

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Claimant

Reg. No.: 2010-27513

Issue No.: 3015

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:
April 12, 2010

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

DECISION AND ORDER

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was held on April 12, 2010. The Claimant appeared and testified. [REDACTED] FIM and [REDACTED] appeared on behalf of the Department.

ISSUE

Was the Department correct in determining Claimant's FAP eligibility?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) Claimant was an ongoing recipient of FAP benefits.
- (2) On January 25, 2010 the Department determined that Claimant's FAP benefit would be closed due to excess gross income.
- (3) Claimant receives unemployment compensation of \$1057 per month.

- (4) Household member [REDACTED] receives \$1165 unemployment compensation per month.
- (5) The total gross income for the household is \$2222 per month.
- (6) Claimant requested a hearing on January 29, 2010 contesting the closure of FAP benefits.

CONCLUSIONS OF LAW

The Food Assistance Program, formerly known as the Food Stamp (“FS”) program, is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (“CFR”). The Department of Human Services (“DHS”), formally known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Bridges Administrative Manual (“BAM”), the Bridges Eligibility Manual (“BEM”), and the Program Reference Manual (“PRM”).

In the present case, according to the aforementioned policy on budgeting, Claimant’s household has \$2222 unearned income from unemployment benefits. This was calculated by multiplying the weekly amount by 4.3 pursuant to Department policy. $BEM\ 505\ 246 \times 4.3 = 1057$. $271 \times 4.3 = 1165$. $1057 + 1165 = 2222$. The gross income limit for a 3 person household is \$1984. RFT 250. Claimant’s gross income exceeds this limit by \$238. Therefore the Department’s closure of FAP benefits for excess gross income is correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department properly determined the Claimant's FAP eligibility, and it is ORDERED that the Department's decision in this regard be and is hereby AFFIRMED.

/s/ Aaron McClintic

Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 19, 2010

Date Mailed: April 21, 2010

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

AM/ hw

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