

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: 2010-27856

Issue No: 3002

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

May 5, 2010

St. Clair County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on May 5, 2010. Claimant appeared and testified.

ISSUE

Did the Department of Human Services determine the proper amount of Claimant's Food Assistance Program (FAP) benefits for the months of January and February 2010?

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 Food Assistance Program (FAP) benefits. Claimant has received Supplemental Security Income (SSI) since 1994. In July 2009 a financial eligibility budget was run for Food Assistance Program (FAP) benefits which did not include Claimant's Supplemental Security Income (SSI). That financial eligibility budget caused

Claimant to receive \$ [REDACTED] per month of Food Assistance Program (FAP) benefits. The evidence submitted regarding that budget shows \$ [REDACTED] income. The current FAP issuance tables show a group of one with no income as eligible for \$ [REDACTED] in benefits. The tables show a group of one with \$ [REDACTED] \$ [REDACTED] is eligible for \$ [REDACTED] of benefits.

(2) On December 3, 2009, the Department discovered that Claimant's SSI income was not included in her financial eligibility budget for Food Assistance Program (FAP) benefits. A new financial eligibility budget was run including Claimant's SSI income. That budget showed Claimant was eligible for \$39 per month of Food Assistance Program (FAP) benefits. The evidence submitted on that budget show it included unearned income of \$ [REDACTED] (Claimant's gross SSI of \$ [REDACTED] minus a \$ [REDACTED] recoupment by the Social Security Administration plus \$ [REDACTED] in State Supplemental benefit.) Claimant's adjusted gross income is calculated as \$ [REDACTED] (Claimant's total income of \$ [REDACTED] minus a standard deduction of \$ [REDACTED] However, that budget does not subtract Claimant's shelter expenses in the net income calculation. The current FAP issuance tables show a group of one with \$ [REDACTED] is eligible for \$ [REDACTED] of benefits.

(3) On December 7, 2009, Claimant submitted a request for hearing.

(4) At this hearing Claimant stated she received \$ [REDACTED] of FAP benefits in February and questioned that amount. Her statement was taken as a verbal request for a hearing on the amount of her FAP benefits in February and the issue is included in this hearing.

(5) The FAP budget submitted into evidence which resulted in Claimant receiving \$ [REDACTED] of FAP benefits in February shows \$ [REDACTED] of unearned income. It appears that the budget uses Claimant's gross SSI benefits of \$ [REDACTED] does not subtract the \$ [REDACTED] recoupment, and then adds the \$ [REDACTED] State Supplement. The budget subtracts the standard deduction of \$ [REDACTED] to get an adjusted

gross income of \$ [REDACTED] but does not subtract shelter expenses. Claimant's net income is also shown as \$ [REDACTED]

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (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 or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In this case all the budgets submitted into evidence have discrepancies that prevent a finding in favor of the Department.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services DID NOT determine the proper amount of Claimant's Food Assistance Program (FAP) benefits for the months of January and February 2010. It also appears that the benefits Claimant was receiving during 2009 are incorrect.

It is ORDERED that the actions of the Department of Human Services, in this matter, are REVERSED.

It is further ORDERED that the Department of Human Services recalculate Claimant's Food Assistance Program (FAP) benefits for January and February and supplement any amount she was entitled to but did not receive.

/s/

Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 10, 2010

Date Mailed: May 10, 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.

GFH/alc

cc:

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