

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: 2010-28053
Issue No: 2000, 3002
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 6, 2010
Calhoun 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 telephone hearing was held on May 6, 2010. Claimant appeared and testified.

ISSUES

Did the Department of Human Services properly determine the Medical Assistance (MA) for Claimant's niece?

Did the Department of Human Services determine the proper amount of Claimant's Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

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

- (1) On February 19, 2010, Claimant applied for Medical Assistance (MA) and Food

Assistance Program (FAP) benefits. Claimant's benefit group consists of herself, her husband, and her niece.

(2) On February 25, 2010, Claimant was sent a Notice of Case Action (DHS-1605) which stated her niece was approved for Medical Assistance (MA) under Claimant beginning April 1, 2010. Claimant's niece was receiving Medical Assistance (MA) benefits under another case until April 1, 2010. The notice also stated that Claimant was approved for \$ [REDACTED] per month of Food Assistance Program (FAP) benefits.

(3) On March 22, 2010, Claimant submitted a request for hearing.

(4) At this hearing Claimant stated she understood the Medical Assistance (MA) coverage for her niece and did not require a hearing on that issue.

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).

Claimant questioned the amount of her Food Assistance Program (FAP) allotment and inquired as to any difference there was in Food Assistance Program (FAP) benefits since she (Claimant) has guardianship of her niece. Department policy on the Food Assistance Program (FAP) was reviewed and there are no special provisions in the Food Assistance Program (FAP) related to guardianship. A FAP benefit group consists of the actual members of a household who

buy and prepare food together, regardless of the family or legal relationship between them. The amount of FAP benefits a group gets is a factor of the combined income and expenses of the group. It is noted for Claimant's edification that her status as guardian opens the door to eligibility for Family Independence Program (FIP) benefits for her niece.

When determining eligibility for Food Assistance Program (FAP) benefits in accordance with Department policy, the total income of the household must be evaluated. All earned and unearned income of each household member must be included, unless specifically excluded. Bridges Eligibility Manual, Item 500. The Food Assistance Program (FAP) program provides a deduction from earned income and a deduction for the cost of child care when necessary to enable a Food Assistance Program (FAP) household member to work. A standard deduction from income is allowed for each household. The amount of the standard deduction depends on the number of members in the household. Certain non-reimbursable medical expenses may be deducted for senior/disabled/veteran group members.

Another deduction from income is provided if monthly shelter costs are in excess of 50% of the household's income, after all of the other deductions have been allowed. There is a maximum deduction for households that do not contain a member classified as a senior, disabled, or veteran. Bridges Eligibility Manual, Items 500 and 554; Program Reference Manual, Table 255; 7 CFR 273.2.

In this case, the Administrative Law Judge has reviewed the Food Assistance Program (FAP) budget and finds that the department properly computed the claimant's net income and expenses. The federal regulations at 7 CFR 273.10 provide standards for the amount of a household's benefits. The department in compliance with the federal regulations has prepared issuance tables which are set forth at Program Reference Manual, Table 260. The issuance table

provides that a household with household size and net income of the claimant's is eligible for a Food Assistance Program (FAP) allotment of \$ [REDACTED]

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services determined the proper amount of Claimant's Food Assistance Program (FAP) benefits.

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

/s/

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

Date Signed: May 11, 2010

Date Mailed: May 12, 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:

[REDACTED]