

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201031912
Issue No.: 3015
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 7, 2010
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

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 September 7, 2010. The Claimant's authorized representative, [REDACTED] appeared and testified. [REDACTED], ES appeared on behalf of the Department.

ISSUE

Was the Department correct in determining Claimant's Food Assistance 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 approved for expedited Food Assistance Program benefits in the amount of \$323 for October 2009.
- (2) After receiving verifications, the Department determined that Claimant had excess income and was not eligible for Food Assistance.
- (3) Claimant has self employment income of \$4474 per month.
- (4) Claimant has \$200 earned income.
- (5) Claimant receives unearned income of \$500 for rent.

201031912/AM

- (6) Claimant receives \$697 from social security.
- (7) Claimant receives total gross monthly income of \$5371.
- (8) Claimant requested a hearing on May 19, 2010 contesting the determination 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").


The gross income limit for a 2 person household is \$1579. RFT 250.

In the present case, Claimant has total gross income of \$5371. Claimant has self employment income of \$4474 from a medical supply business and additional income from rent and social security benefits. This is far in excess of the gross income limit for food assistance. RFT 250. The Department's denial of Food Assistance Program benefits is proper and correct. Claimant presented no evidence at hearing disputing the income used by the Department to determine FAP eligibility.

DECISION AND ORDER

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

/s/



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

Date Signed: September 16, 2010

Date Mailed: September 16, 2010

201031912/AM

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 of the rehearing decision.

AM/hw

cc:

