

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.: 2010-33987
Issue No.: 3015
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
June 7, 2010
Wayne County DHS (43)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 conducted from Detroit, Michigan on June 7, 2010. Claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS properly terminated Claimant's Food Assistance Program benefits beginning 5/1/10.

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 Food Assistance Program (FAP) recipient.
2. Claimant was the grantee for a non-senior, non-disabled and non-disabled veteran FAP group of two persons.

3. Claimant's case was subject to a six month review with a certification period ending 4/30/10.
4. Claimant submitted check stubs dated 3/3/10, 3/17/10 and 3/31/10; each check stub verified gross income of \$1194.18.
5. DHS calculated Claimant's monthly gross income as \$2567.
6. DHS terminated Claimant's monthly gross income beginning 5/31/10 due to excessive income.
7. Claimant submitted a hearing request on 5/5/10 disputing the termination of her FAP benefits.

CONCLUSIONS OF LAW

The Food Assistance Program (formerly known as the Food Stamp 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 (formerly known as the Family Independence Agency) 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 Reference Tables Manual (RFT).

In calculating FAP benefits, DHS projects a client's employment income by using the last 30 days of payments if it appears to accurately reflect what is expected to be received in the benefit month. BEM 505 at 4. Biweekly payments are averaged and multiplied by 2.15 to convert the 14 day pay periods to a full month of pay. In the present case, DHS accurately calculated Claimant's gross monthly income to be \$2567 based on the verified income of Claimant.

FAP benefit groups without a senior, disabled or disabled veteran (SDV) member must have income below the gross income limits. BEM 550 at 1. Claimant is part of a two-person non-SDV group. The gross income limit for a non-SDV two person group is \$1579. RFT 250. Claimant's gross monthly income of \$2567 exceeds the gross income limits. It is found that DHS properly denied Claimant's 3/8/10 request for FAP benefits due to excess income.

Claimant contends that DHS considered the gross amount of her income but failed to consider that Claimant's net income is reduced by taxes, union dues, dependent care expenses and medical coverage expenses. Taxes and union dues are not budgetable expenses. BEM 554. Medical coverage expenses are budgetable only if the group has a senior, disabled or disabled veteran member. *Id.* Dependent care expenses are budgetable expenses but are not considered if Claimant's gross income exceeds the gross income limits. DHS properly did not consider Claimant's taxes, union dues, dependent care or medical coverage expenses in calculating Claimant's FAP benefits.

DECISION AND ORDER

The actions taken by DHS are AFFIRMED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS correctly terminated Claimant's FAP benefits beginning 6/1/10.



Christian Gardocki
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 6/11/2010

Date Mailed: 6/11/2010

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.

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