

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: 2010-3472
Issue No: 3015
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 18, 2009
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 November 18, 2009. Claimant personally appeared and testified. Claimant was represented by [REDACTED], [REDACTED], [REDACTED]

ISSUE

Did the department correctly determine in August, 2009 that the claimant had excess income for 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. Claimant was a FAP recipient when her case came due for a yearly review with benefits ending on July 31, 2009.

2. Claimant submitted required redetermination materials, but FAP budget was not completed by the department until August 31, 2009.

3. Department budgeted claimant's UCB income and child support income obtained through computer matching with Friend of the Court (FOC). This budget resulted in finding of excess income for the FAP program for the claimant.

4. Department sent the claimant a notice that her FAP benefits were denied on August 31, 2009. Claimant requested a hearing on September 8, 2009.

5. At the hearing claimant and her representative stated that the child support income budgeted by the department is incorrect, and that extra amounts of child support received by the claimant were due to interception of payer's tax returns to pay for past due support.

6. Claimant was given an extension and record left open for 10 days so she could provide additional information from FOC.

7. On December 3, 2009, department submitted additional information following the receipt of child support verification from FOC claimant provided. A new FAP budget was also submitted. Department used May, June and July, 2009 child support income minus income tax offsets as verified by the claimant, in order to determine eligibility for August, 2009.

8. For claimant's child [REDACTED] child support department used \$113 for May, \$133.33 for June and \$171.26 for July, 2009. For claimant's child Zionnajee's child support department used \$121.22 for May, \$157.66 for June and \$228.81 for July, 2009. These amounts were added and then divided by 3 to arrive at the monthly average child support figured used in the FAP budget.

9. Department also used claimant's UCB income not disputed at the hearing, \$650 rent expenses, non-heat electric standard and telephone standard, to compute FAP eligibility.

10. Department's new budget again resulted in finding of excess income for the claimant to receive FAP benefits.

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

When determining eligibility for FAP benefits, the household's total income must be evaluated. All earned and unearned income of each household member must be included unless specifically excluded. Bridges Eligibility Manual, Item 500. The FAP program provides a deduction from earned income of 20% and a deduction for the cost of child care when necessary to enable a FAP household member to work. A standard deduction from income of \$132 is allowed for each household. Certain non-reimbursable medical expenses above \$35 a month 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, up to a maximum of \$335 for non-senior/disabled/veteran households. Bridges Eligibility Manual, Items 500 and 554; Bridges Reference Manual, Table 255; 7 CFR 273.2.

In this case, the Administrative Law Judge has reviewed the FAP budget and finds that the department properly computed the claimant's net income. 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 Bridges Reference Manual, Table 260. The issuance table provides that a household with household size and net income of the claimant is eligible for an FAP allotment of \$0. Department therefore correctly determined, once claimant's child support amounts were corrected based on information provided by the claimant, that she still had excess income for FAP benefits effective August, 2009.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly determined that the claimant had excess income for FAP benefits for August, 2009.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: February 10, 2010

Date Mailed: February 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.

IR [REDACTED]

cc:

[REDACTED]