

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.: 2010-37092

Issue No.: 3015

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

June 23, 2010

Wayne County DHS (19)

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 23, 2010. Claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, and [REDACTED], Manager, appeared and testified.

ISSUE

Whether DHS properly failed to consider Claimant's child support expense in terminating Claimant's eligibility for Food Assistance program (FAP) benefits due to excess income.

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 FAP recipient.
2. Claimant is not a senior, disabled person or disabled veteran.

3. Claimant is part of a FAP group of one person.
4. On 5/11/10, DHS began to budget Claimant's employment income.
5. DHS calculated Claimant's gross monthly income as \$1,893.
6. DHS terminated Claimant's FAP benefits beginning 6/1/10 due to Claimant's gross income exceeding the gross income limits
7. Claimant submitted a hearing request on 5/24/10 regarding termination of FAP benefits; Claimant specifically disputes whether DHS should have factored Claimant's child support payments in calculating Claimant's FAP benefit eligibility.

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).

The process for calculating FAP benefits is found in BEM 556. The first step in the process is to perform a gross income test. The test is only applicable for groups without a senior, disabled or disabled veteran member. BEM 556 at 3. If the group's monthly gross income exceeds the monthly gross income limits then the group is denied FAP eligibility. The gross income test only considers gross income; thus, child support, rent, mortgage, utilities and other expenses are not a factor in the gross income test outcome.

In the present case, it was not disputed that Claimant's monthly gross income was \$1,893. Exhibit 2. The monthly gross income limit for a one person group is \$1174. RFT 250. Claimant's gross income exceeds the monthly gross income limits. It is found that DHS properly terminated 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 properly terminated Claimant's FAP benefits.

Christian Gardocki

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

Date Signed: 6/24/2010

Date Mailed: 6/24/2010

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.

CG/jlg

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