

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.: 2010-43110
Issue No.: 3002
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: August 9, 2010
Wayne County DHS (49)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) Sections 400.9 and 400.37 and Claimant's request for a hearing. After due notice, a telephone hearing was held on August 9, 2010. Claimant appeared and testified. [REDACTED], appeared and testified on behalf of the Department of Human Services.

ISSUE

Whether Claimant's allotment of Food Assistance Program (FAP) benefits is appropriate?

FINDINGS OF FACT

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

1. On June 1, 2010, Claimant began receiving FAP benefits of \$16 per month for himself.
2. Claimant's FAP benefit amount is based on unearned income of \$774 bi-weekly from Unemployment Insurance (UI), a Standard Deduction of \$132, and an excess shelter deduction of \$166.
3. On July 13, 2010, Claimant filed a hearing request with DHS.

CONCLUSIONS OF LAW

FAP was established by the Food Stamp Act of 1977, as amended, and is implemented by federal regulations contained in Title 7 of the Code of Federal Regulations. DHS

administers FAP pursuant to MCL 400.10 *et seq.*, and Michigan Administrative Code Rules 400.3001-3015. DHS' policies are found online in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Tables Manual (RFT). www.michigan.gov/dhs-manuals.

BEM Items 550, "FAP Income Budgeting," and 554, "FAP Allowable Expenses and Expense Budgeting," are the applicable DHS policies and procedures in this case. I conclude, based on BEM 550, that Claimant received the appropriate Standard Deduction for a recipient group size of one person. BEM 550, p. 1. I conclude, based on BEM 554, that Claimant received the appropriate excess shelter deduction. BEM 554, p. 10.

I have reviewed DHS calculations and cannot find any errors. Claimant states that he should be receiving more than \$16 per month in FAP benefits because he needs his UI benefits to pay his expenses. Claimant did not present allowable expense documentation at the hearing.

I conclude that Claimant is receiving the correct amount of FAP benefits at this time. DHS' grant of FAP benefits to Claimant is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, determines that DHS has taken correct action in this matter and their action is AFFIRMED. DHS need take no further actions regarding Claimant's FAP benefits to date.



Jan Leventer
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 11, 2010

Date Mailed: August 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

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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.

JL/pf

cc:

