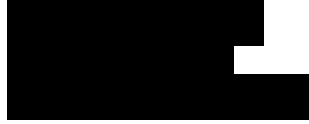


STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 2010-43949
Issue No: 3014
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 4, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 hearing was held on October 4, 2010. Claimant appeared and testified.

ISSUE

Did the Department properly determine Food Assistance Program group composition?

FINDINGS OF FACT

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

1. On May 20, 2010, added daughter and grandchild to her FAP case.
2. On June 22, 2010, notice of case action sent to Claimant.
3. On June 30, 2010, requested hearing.
4. July 2010, no longer eligible for FAP benefits based upon excess income once daughter's FIP grant was added to income for group.
5. On June 30, 2010, the Claimant submitted a request for hearing.

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) 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).

In the present case, Claimant requested a hearing after she added her daughter and grandchild to her FAP case which resulted in excess income for FAP. The Department did, in fact, add the Claimant's daughter and grandchild to her FAP group. Once the Claimant's daughter started to receive FIP from the Department, the Department included this income in the FAP group budget. The result was an excess income for FAP. The Claimant is upset she lost her FAP benefits due to her daughter's receipt of FIP benefits.

Relevant policy BEM 212 page 1:

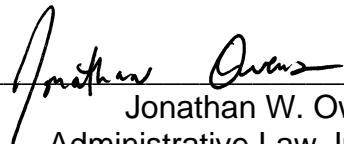
Parents and their children **under 22 years of age** who live together **must** be in the same group regardless of whether the child has his/her own spouse or child who lives with the group.

The Department correctly determined the Claimant's daughter FIP income would be required to be part of the FAP budget since the Claimant's daughter is under 22 years old. Therefore, the Department's determination of FAP benefits is UPHeld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department correctly determined the Claimant had excess income for FAP benefits.

It is ORDERED that the Department's decision in this regard be and is hereby AFFIRMED.


Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 10/12/10

Date Mailed: 10/13/10

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.

JWO/dj

cc:

