

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: 201048264

Issue No: 3002

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

September 15, 2010

Mecosta County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on August 13, 2010. After due notice, a telephone hearing was held on Wednesday, September 15, 2010.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Food Assistance Program (FAP) eligibility?

FINDINGS OF FACT

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

1. The Claimant is an ongoing FAP recipient as a group of one.
2. The Claimant is disabled.
3. The Claimant receives monthly unearned income in the gross monthly amount of [REDACTED]. Department Exhibit 23 and 29.
4. On July 19, 2010, the Department determined that the Claimant was entitled to a monthly FAP allotment of [REDACTED] effective August 1, 2010. Department Exhibit 4.

5. On July 27, 2010, the Department determined that the Claimant was entitled to a monthly FAP allotment of [REDACTED] effective September 1, 2010. Department Exhibit 22,
6. The Department received the Claimant's request for a hearing on August 13, 2010, protesting the decrease of his FAP allotment.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (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 (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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

For FAP purposes, all earned and unearned income available to the Claimant is countable. Earned income means income received from another person or organization or from self-employment for duties for duties that were performed for compensation or profit. Unearned income means all income that is not earned, including but not limited to funds received from the Family Independence Program (FIP), State Disability Assistance (SDA), Child Development and Care (CDC), Medicaid (MA), Social Security Benefits (RSDI/SSI), Veterans Administration (VA), Unemployment Compensation Benefits (UCB), Adult Medical Program (AMA), alimony, and child support payments. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. BEM 500.

The Department will include verified medical expenses in its determination of FAP benefits when a group member is disabled. BEM 554.

On July 19, 2010, the Department received verification of the Claimant's medical expenses for June of 2010 and re-determined his FAP allotment, as a group of one and as a disabled person. The Claimant received monthly unearned income in the gross monthly amount of [REDACTED] an amount that the Claimant does not dispute. The Claimant incurred verified medical expenses of [REDACTED]. The Claimant's adjusted gross income of [REDACTED] was determined by subtracting the \$132 standard deduction and his medical expenses from his total income. The Claimant's excess shelter deduction of [REDACTED] was determined by adding his shelter expense of [REDACTED] to the heat and utility standard deduction of \$555 under the Low Income Home Energy Assistance Program and subtracting half of his adjusted gross income. Since the Claimant's excess shelter deduction was greater than his adjusted gross income, he was eligible to receive the maximum FAP allotment for a group of one, which is [REDACTED]

On July 27, 2010, the Department received verification of the Claimant's medical expenses for July of 2010 and re-determined his FAP allotment, as a group of one and

as a disabled person. The Claimant received monthly unearned income in the gross monthly amount of [REDACTED], an amount that the Claimant does not dispute. The Claimant incurred verified medical expenses of [REDACTED]. The Claimant's adjusted gross income of [REDACTED] was determined by subtracting the \$132 standard deduction and his medical expenses from his total income. The Claimant's excess shelter deduction of [REDACTED] was determined by adding his shelter expense of [REDACTED] to the heat and utility standard deduction of \$555 under the Low Income Home Energy Assistance Program and subtracting half of his adjusted gross income.

The Claimant's net income of [REDACTED] was determined by subtracting his excess shelter deduction from his adjusted gross income. A claimant with a group size of one and a net income of [REDACTED] is entitled to a FAP allotment of [REDACTED], which is the amount of FAP benefits granted to the Claimant for this period. RFT 260. I find that the Department has established that it acted in accordance with policy determining Claimant's FAP allotment.

On July 26, 2010, the Department received additional medical expenses that the Claimant incurred during the month of July, 2010. The Department testified that these expenses were received too late to be included in the FAP budget on which the Claimant's monthly FAP allotment was reduced from [REDACTED], but they will be used on a subsequent FAP budget.

Based on the evidence and testimony available at the hearing, the Department has established that it properly determined the Claimant's FAP eligibility.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's FAP eligibility.

The Department's FAP eligibility determination is AFFIRMED. It is SO ORDERED.

/s/ _____
Kevin Scully
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 23, 2010

Date Mailed: September 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.

KS/vc

cc:

