

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████,

Claimant

Reg No: 2010-5986

Issue No: 3002

Case No: ██████████

Load No: ██████████

Hearing Date:

December 16, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing received on October 27, 2009. After due notice, a telephone hearing was conducted on December 16, 2009. The Claimant appeared and testified. Joyce Bacalis, FIM and Quinna Norwood, FIS appeared on behalf of the Department.

ISSUE

Whether the Department properly computed the Claimant's Food Assistance ("FAP") benefits for the months September, 2009 through the present?

FINDINGS OF FACT

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

1. The Claimant applied for FAP benefits August 4, 2009.

2. Claimant was awarded benefits for the month of September, 2009. Benefits were then terminated October 1, 2009 for excess income.
3. Claimant testified that she has not had any changes in income or household size.
4. Claimant reported a household group of five (5) people.
5. Claimant testified that she had unearned income from RSDI in the amount of \$1081.00 monthly. Each of her three children also receives \$180.00 per month in RSDI benefits.
6. Claimant's household received unemployment compensation in the amount of \$774.00 every two weeks.
7. The Claimant testified that her rent is \$975.00 per month.
8. Claimant is responsible for gas and electric in addition to her lot rent.
9. Claimant testified that she has regularly incurred medical expenses of \$200 per month for prescription medication; however, she has been unable to pay for the medication since July of 2009.
10. Claimant objected to the Departments decision to termination FAP benefits. The Department received the Claimant's Request for Hearing on October 27, 2009.

CONCLUSIONS OF LAW

The Food Assistance Program, 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"), formally known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et. seq.* and MAC R 400.3001-3015. Departmental policies are found in the Program Administrative Manual ("PAM")/Bridges Administrative

Manual (“BAM”), the Program Eligibility Manual (“PEM”)/Bridges Eligibility Manual (“BEM”), and the Program Reference Manual (“PRM”).

The federal regulations define household income to include all household earned and unearned income. 7 CFR 273.9(b). All monthly income must be converted to a nonfluctuating monthly amount. Only 80% of earned income is counted in determining FAP benefits. PEM/BEM 550. Under 7 CFR 273.9, as amended, \$170.00 is deducted from the gross income of FAP recipients in determining FAP grants for a group of five. A non-categorically eligible Senior/Disabled/Veteran (SDV) FAP group must have income below the net income limits. PEM 550.

In the present case, according to the aforementioned policy on budgeting, for the 1/3/09 budget, Claimant’s group had a net monthly gross income of \$3,285.00 from the following sources:

RSDI	\$1,081.00
RSDI for children.....	\$540.00
Unemployment Compensation.....	\$1,664.00

As a result, Claimant’s group income is over the simplified reporting income limits of \$2,687.00 per month for a group size of five people. RFT 250. Therefore, Claimant does not qualify for FAP benefits.

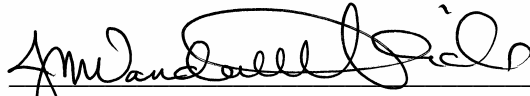
Although the Claimant believed she was eligible for FAP benefits, the Claimant did not disagree with the earnings used to calculate her eligibility. The Department established that it acted in accordance with departmental policy in determining the Claimant’s FAP denial effective 10/1/09. Accordingly, the Department’s FAP denial was correct.

It is found that the Department’s determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department properly calculated the Claimant's FAP allotment.

Accordingly, the Department's FAP eligibility determination is **AFFIRMED**.



Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 12/23/09

Date Mailed: 01/08/10

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.

JV/dj

cc:

