

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: 2010-6957

Issue No: 3003

Case No:

Load No:

Hearing Date:

February 1, 2010

Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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. After due notice, a telephone hearing was held on February 1, 2010. The Claimant appeared and testified along with his father and authorized representative [REDACTED]. [REDACTED] ES appeared on behalf of the Department.

ISSUE

Was the Department correct in determining Claimant's FAP benefits?

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 a Food Assistance benefit recipient receiving \$159 per month in benefit.
- (2) Claimant began receiving \$449 per month in Supplemental Security Income.

- (3) A new budget was completed taking into account Claimant's SSI benefit.
- (4) The Department determined that claimant was entitled to \$100 per month in FAP benefits beginning December 1, 2009.
- (5) Claimant requested a hearing on November 2, 2009 contesting the amount of Food Assistance benefits.

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"), the Program Eligibility Manual ("PEM"), and the Program Reference Manual ("PRM").

The federal regulations define household income to include all earned 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 550. Under 7 CFR 273.9, as amended, \$132.00 is deducted from the gross income of FAP recipients in determining FAP grants.

In the present case, claimant has \$463 unearned income from Supplemental Security Income benefits plus the state supplement. The standard deduction of \$132 was taken resulting in adjusted income of \$331. Claimant does not qualify for an excess shelter deduction. The Food Assistant Issuance Table shows \$100 in benefit for \$331 net

income for a household of 1. RFT 260 This is the amount determined by the Department and it is correct.

Claimant raised issues at hearing with regard to special dietary needs that he has and the costs associated with those needs. Claimant testified and submitted a typed sheet showing the food he purchases in a typical week. Department policies do not take into consideration the types of special dietary needs that Claimant has. This Administrative Law Judge does not have equitable powers to override Department policy.

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

/s/ _____

Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: _____

Date Mailed: _____

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.

AM/ctl

Cc:

