

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

IN THE MATTER OF:



Reg. No: 2011-13325
Issue No: 3015



ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 February 9, 2011. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly deny Claimant's Food Assistance Program (FAP) application of December 6, 2010, for excess income?

FINDINGS OF FACT

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

- (1) On December 6, 2010 Claimant submitted an application for Food Assistance Program (FAP) benefits. On the application Claimant listed that both members of the group had Court ordered child support totaling 
- (2) On December 6, 2010 Claimant's group's financial information was used to run a financial eligibility budget for Food Assistance Program (FAP) eligibility. The budget showed that Claimant's group is not eligible due to excess income. A Notice of Case Action (DHS-1605) was sent to Claimant.
- (3) On January 3, 2011 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 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) and the Program Reference Manual (PRM).

In this case Claimant did not dispute the income amounts or shelter expenses used in the financial eligibility budget. Claimant did raise an issue with regard to the amount of child support used in the budget. The Friend of the Court payment record for Claimant and her husband were reviewed. My calculation of the last three months' average payments was [REDACTED]. The financial eligibility budget had [REDACTED] in it for child support expense. No error detrimental to Claimant exists in the amount of child support used to determine Food Assistance Program (FAP) eligibility.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly denied Claimant's Food Assistance Program (FAP) application of December 6, 2010, for excess income.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHeld.

_____/s/_____
Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 2/17/11_____

Date Mailed: 2/17/11_____

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.

[REDACTED]