

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

[REDACTED]

[REDACTED]

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 [REDACTED]. After due notice, a telephone hearing was held on [REDACTED]. The Claimant was unable to participate in the hearing, but was represented by her mother acting as the Claimant's Authorized Hearings Representative (AHR).

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 applied for Food Assistance Program (FAP) benefits on [REDACTED].
2. On [REDACTED] [REDACTED] (FAP) benefits as a group of three due to excess income.
3. The Claimant's date of birth is [REDACTED].
4. On [REDACTED], the Department re-registered the Claimant's Food Assistance Program (FAP) application for [REDACTED], as a group of one.
5. The Claimant receives monthly unearned income in the gross monthly amount of [REDACTED].
6. The Department has issued the Claimant benefits and supplementary benefits that give her a monthly Food Assistance Program (FAP) allotment of [REDACTED].

7. The Department received the Claimant's request for a hearing on [REDACTED]

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).

FAP group composition is established by determining who lives together, the relationship of the people who live together, whether the people living together purchase and prepare food together or separately, and whether the persons resides in an eligible living situation. 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. For ongoing and intake applications where the child is not yet 22, they are potentially eligible for their own case, the month after turning 22. BEM 212.

In this case, the Department considered the Claimant and her parents to be mandatory group members. The Claimant reached age [REDACTED]. Therefore, the Claimant was potentially eligible for her own case as of [REDACTED], the month after turning [REDACTED]. The Department's representative testified that the Claimant's application for assistance was re-registered, and that Claimant has received FAP benefits since [REDACTED], as a group of one.

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 determined the Claimant's eligibility for Food Assistance Program (FAP) benefits as a group of one. The Claimant receives monthly unearned income in the gross monthly amount of [REDACTED] an amount that the Claimant's representative did not dispute. The Claimant's adjusted gross income of [REDACTED] was determined by subtracting a [REDACTED] standard deduction from her total income. The Claimant's excess shelter deduction of [REDACTED] was determined by adding her monthly shelter expense of \$0 to the \$588 standard heat and utility deduction under the Low Income Home Energy Assistance Program, and subtracting 50% of her adjusted gross income.

The Claimant's net income of [REDACTED] was determined by subtracting her excess shelter deduction from her 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.

The Claimant's representative argued that the Claimant has a monthly shelter expense that the Department did not apply to her Food Assistance Program (FAP) budget.

The Department's representative testified that the Claimant did not report her monthly shelter expense on her application for assistance. The Department applied the information it had at the time it determined the Claimant's eligibility to receive benefits. The Claimant did not report and verify her monthly shelter expense until [REDACTED]

Based on the evidence and testimony available during the hearing, the Department has established that it acted properly when it determined the Claimant's eligibility to receive Food Assistance Program (FAP) benefits.

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 Food Assistance Program (FAP) eligibility.

The Department's Food Assistance Program (FAP) eligibility determination is AFFIRMED. It is SO ORDERED.

_____/s/_____
[REDACTED]

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.

[REDACTED]