

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:

[REDACTED]

[REDACTED]

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of [REDACTED]
[REDACTED] July 19,
[REDACTED]. After due notice, a telephone hearing was held on [REDACTED]

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 Food Assistance Program (FAP) recipient.
2. The Claimant receives monthly social security benefits in the gross monthly amount of [REDACTED]
3. The Claimant has monthly shelter expenses of [REDACTED]
4. The Claimant received monthly FAP allotments of [REDACTED]
5. The Department received the Claimant's request for a hearing on [REDACTED] protesting the amount 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).

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 determines a client's eligibility for program benefits based on the client's actual income and/or prospective income. Actual income is income that was already received. Prospective income is income not yet received but expected. Prospective budgeting is the best estimate of the client's future income. BEM 505.

The Claimant is an ongoing Food Assistance Program (FAP) recipient. The Claimant receives monthly social security benefits in the gross monthly amount of \$778.00. The Claimant has monthly shelter expenses of \$19.00. The Claimant's adjusted gross income of \$646.00 was determined by subtracting the \$132.00 standard deduction from his total income. The Claimant's excess shelter deduction of \$251.00 was determined by adding his \$19.00 monthly shelter expense to the \$555 heat and utility standard deduction under the Low Income Home Energy Assistance Program, and subtracting 50% of his adjusted gross income.

The Claimant's net income of \$395.00 was determined by subtracting the excess shelter deduction from the adjusted gross income. A claimant with a group size of two and a net income of \$395.00 is entitled to a FAP allotment of \$248.00, which is the amount of FAP benefits granted to the Claimant for this period. RFT 260.

In this case, the Department sent the Claimant notice on more than one occasion that his monthly Food Assistance Program (FAP) allotment would be reduced to \$16.00, which prompted the Claimant to request an administrative hearing. Based on records supplied by the Department, the Claimant received a monthly FAP allotment well over \$16.00 for each month that his benefits case has been active.

The Department's representative testified that mistakes were made on the Claimant's FAP benefits case, but that these mistakes were corrected before the hearing on [REDACTED]

The Claimant argued that his caseworker is not capable of determining his eligibility to receive FAP benefits in an efficient and professional manner.

However, supervision of the Claimant's caseworker is not within the authority of this administrative law judge to regulate. While there may have been a certain amount of miscommunication between the Department and the Claimant, the Claimant has not identified any specific circumstances where he did not receive the correct monthly FAP allotment.

The Claimant has the burden of establishing that he is eligible for benefits. In this case, the Claimant has not established that he is eligible for Food Assistance Program (FAP) other than those he did receive.

Based on the evidence and testimony available during the hearing, the Department has established that it properly determined the Claimant's eligibility for Food Assistance Program (FAP) in accordance with policy.

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/ _____
[Redacted Signature]

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]