

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

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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].

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 as a group of three on [REDACTED].
2. The Claimant receives monthly disability payments in the gross monthly amount of [REDACTED].
3. The Claimant receives monthly child support payments in the total gross monthly amount of \$573.
4. On [REDACTED], the [REDACTED].

5. The Department received the Claimant's request for an appeal on [REDACTED], protesting the amount of her 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 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.

In this case, the Claimant applied for Food Assistance Program (FAP) benefits on [REDACTED] as a group of three. The Claimant receives monthly child support payments in the gross monthly amount of [REDACTED]. This amount was determined by taking the average of child support payments over a three-month period as directed by [REDACTED] Eligibility Manual Item [REDACTED] children in [REDACTED] and [REDACTED] and [REDACTED] for each of her two children in [REDACTED].

The Claimant receives monthly disability payments in the gross monthly amount of [REDACTED] adding her disability payments to the Claimant's child support income. The Claimant's adjusted gross income of [REDACTED] was determined by subtracting the [REDACTED] standard deduction from her total income. The Claimant's net income of [REDACTED] was determined by subtracting her [REDACTED] excess shelter deduction from her adjusted gross income.

A claimant with a group size of three 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. [REDACTED] I find that the Department has established that it acted in accordance with policy determining Claimant's FAP allotment.

The Claimant argued that the Claimant does not receive [REDACTED] on a monthly basis. The Claimant argued that the amount of child support she receives is generally lower than this amount, and there are times when she does not receive any child support.

The Department considers fluctuating child support payments in its eligibility determination. To account for fluctuations in child support, the Department uses the three-month average of child support payments received. The Claimant received regular child support payments in the monthly leading up to her application for FAP benefits, and no evidence was presented during the hearing suggesting that these payments would not continue in to the future. The Claimant's monthly prospective income from child support payments is higher than the actual amounts she received in [REDACTED], because the higher [REDACTED]

The Claimant argued that in the future she would no longer be receiving her disability insurance payments.

The Department considers disability insurance payments to be unearned income. The Department examined the Claimant's unearned income during the 30 day period before her application for FAP benefits as directed by Bridges Eligibility Manuel 505. Future changes in income may affect the Claimant's eligibility to receive 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 FAP eligibility.

The Department's FAP eligibility determination is AFFIRMED. It is SO ORDERED.

_____/s/_____
[REDACTED]

Date Signed: ___3/18/11_____

Date Mailed: ___3/18/11_____

