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

IN THE MATTER OF:



Reg. No: 201119583

Issue No: 3002

Case No:

Hearing Date: March 16, 2011

Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

#### **HEARING DECISION**

This matter is before the undersigned Administrati ve Law J udge by authorit y of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was receiv ed on February 9, 2011. After due notice, a telephone hearing was held on Wednesday, March 16, 2011.

### <u>ISSUE</u>

Whether the Department of Human Serv ices (Department) properly det ermined 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) on January 11, 2011.
- 2. The Claimant receives monthly spousal support in the gross monthly amount of
- 3. The Claimant receives countable monthly unemployment compensation benefits in the gross monthly amount of
- 4. The Claimant has a monthly shelter expense of

- 5. On February 2, 2011, the Department notified the Claimant that it had approved her Food Assistance Program (FAP) application. The Claimant received a monthly FAP allotment of for J anuary of 2011, and for February of 2010.
- 6. The Department received t he Claim ant's r equest for a hearing on February 9, 2011, protesti ng the amount of her mont hly Food Assist ance Program (FAP) allotment.

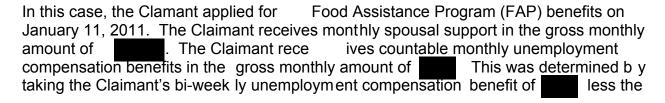
## **CONCLUSIONS OF LAW**

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), Bridges Interim Policy Bulletin (BPB), 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 e means all income that is not earned, including but not limited to funds received from the Family Independence Program (FIP), State Dis ability Assistance (SDA), Child Development and Care (CDC), Medicaid (MA), Social Security Benefits (RSDI/SSI), Veterans Administration (VA), Unemploy ment Compensation Benefits (UCB), Adult Medical Program (AMA), alimony, and child support payments. The amount counted may before than the client actually receives because the gross amount is used prior to any deductions. BEM 500.

The Department determines a client's el igibility for program benefits based on the client's act ual income and/or prospective in come. Actual income is income that w as 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.

All income is converted to a standard monthly amount. If the client is paid weekly, the Department multiplies the average weekly amount by 4.3. If the client is paid ever y other week, the Department multiplies the average bi-weekly amount by 2.15. BEM 505.



American Recov ery and Reinvestment Ac t weekly benefit, and multiplying by the 2.15 conv ersion factor. The Claimant's adjusted gross income of determined by subtracting the standard deduction from her total monthly countable income. The Claimant's excess shelter deduction was determined by adding her monthly shelter expense of to the heat and utility standard deduction and subtracting 50% of her adjusted gross income.	
The Claimant's net income of deduction from her adjusted gro ss income. A claimant with a group size of one and a net income of second is entitled to a FAP allo tment of second which is the amount of FAP benefits granted to the Claimant for this period. RFT 260. The Claimant's monthly FAP allotment for January was prorated to based on her application date of January 11, 2011. I find that the Department has established that it acted in accordance with policy determining Claimant's FAP allotment.	
DECISION AND ORDER	
The Administrative Law Judge, based upon t he above findings of fact and conclusions of law, decides that the D epartment 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/	
	Kevin Scully
	Administrative Law Judge for Maura D. Corrigan, Director Department of Human Services
Date Signed: March 22, 2011	
Date Mailed: _March 23, 2011	
<b>NOTICE</b> : Administrative Hearings may or der a rehearing or reconsideration on either its own motion or at t he request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hear ings will not orde r a rehearing or reconsideration on the Department's mo tion where the final decis ion cannot be implemented within 60 days of the filing of the original request.	

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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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

# KS/vc

