

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].

**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 was an ongoing Food Assistance Program (FAP) recipient until [REDACTED].
2. The Claimant receives monthly earned income in the gross monthly amount of [REDACTED].
3. The Claimant's spouse receives monthly earned income in the gross monthly amount of [REDACTED].
4. On [REDACTED], the Department notified the Claimant that it would terminate her Food Assistance Program (FAP) benefits as of [REDACTED], due to excess income.
5. 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).

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.

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 every other week, the Department multiplies the average bi-weekly amount by 2.15. BEM 505.

The Claimant was an ongoing Food Assistance Program (FAP) recipient as a group of five until [REDACTED] 11. The Claimant receives monthly earned income in the gross monthly amount of [REDACTED]. The Claimant's spouse receives monthly earned income in the gross monthly amount of [REDACTED]. The Claimant's adjusted gross income of [REDACTED] was determined by applying a 20% earned income deduction and the \$179 standard deduction from the total household income. The gross income limit for a group of five is [REDACTED]. Since the Claimant's gross income exceeds the income limit, she is not eligible to receive Food Assistance Program (FAP) benefits.

The Claimant argued that she does not have access to her husband's income and the Department should not consider it to be countable income.

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. Spouses who are legally married and live together must be in the same group. Parents and their children under 22 years of age who live together must be in the same group. BEM 212.

The Department defines countable income as all income that is not specifically excluded. BEM 500.

Since the Claimant, her husband, and their children live within the same household, the Department requires that they be considered mandatory group members. As members of the same FAP group, the Claimant and her husband's income is countable.

The Claimant argued that she qualified for Food Assistance Program (FAP) benefits as a categorically eligible group due to her husband's conviction for domestic violence for which she is the victim.

Categorically eligible groups automatically meet asset, gross and 100% net income limits for food assistance. Categorical eligibility applies to groups, not individuals. Bridges determines group composition prior to determining categorical eligibility. FAP groups are categorically eligible based on enhanced authorization for Domestic Violence Prevention Services. BEM 213.

In this case, the Claimant does not receive Domestic Violence Prevention Services and therefore does not meet the criteria for categorical eligibility.

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

**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/\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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]