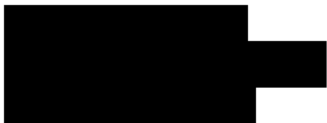


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 2011-26806
Issue No.: 3015
Case No.: [REDACTED]
Hearing Date: April 27, 2011
DHS County: Oakland (63-04)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37 and Claimant [REDACTED] request for a hearing. After due notice, a telephone hearing was held on April 27, 2011. Claimant appeared and testified at the hearing. [REDACTED] also appeared and testified at the hearing as a witness for Claimant. [REDACTED], appeared and testified for the Department of Human Services (DHS).

ISSUE

Whether Claimant's eligibility for Food Assistance Program (FAP) benefits was determined in accordance with DHS policies and procedures?

FINDINGS OF FACT

The Administrative Law Judge, based on competent, material, and substantial evidence in the record and on the entire record as a whole, finds as fact:

1. In 2010, Claimant DHS provided FAP benefits to Claimant for a family group of three persons.
2. In February 2011, Claimant's group's monthly countable income was \$2,999, and the DHS maximum allowable countable income according to policy was \$1,526.
3. On March 12, 2011, DHS issued a Notice of Case Action closing Claimant's FAP benefits effective April 1, 2011.
4. On March 24, 2011, Claimant filed a Request for a Hearing with DHS.

CONCLUSIONS OF LAW

FAP was established by the U.S. Food Stamp Act of 1977 and is implemented by Federal regulations contained in Title 7 of the Code of Federal Regulations. DHS administers the FAP program pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code Rules 400.3001-400.3015. DHS' policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables (RFT). These manuals are available online at www.michigan.gov/dhs-manuals.

At the Administrative Hearing on April 27, 2011, all parties testified in accordance with the above four findings of fact. In reaching my decision, I consulted RFT 250, "FAP Income Limits." This chart shows that for a FAP group of three people, the maximum allowable income is \$1,526. Therefore, I find and conclude that DHS is correct in its calculations. RFT 250.

In conclusion, based on the findings of fact and conclusions of law, I find and conclude that DHS correctly denied FAP benefits to Claimant based on his group income. DHS is AFFIRMED. DHS need take no further action in this case.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, states that DHS is AFFIRMED in this case. DHS need take no further action in this matter.



Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 4, 2011

Date Mailed: May 5, 2011

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.

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

JL/pf

cc:

