#### STATE OF MICHIGAN

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

IN THE MATTER OF:

DHS

Load

Reg. No.: 201127008

Issue No.: 3015 Case No.:

No.:

Hearing Date: April 27, 2011

County: Wayne

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

## **HEARING DECISION**

This matter is before the undersigned Admini strative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, at elephone hearing was held on April 27, 2011. Claimant appeared and test ified. The Department of Human Services (Department) was represented by

#### <u>ISSUE</u>

Was the Department correct i n its decision to close Claim ant's Food Assistanc e Program (FAP) case due to gross income exceeding the limit?

### FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantia I evidence on the whole record, finds as material fact:

- 1. Claimant was an ongoing FAP recipient in a household of two persons.
- 2. Claimant's gross income was \$3,405.69
- 3. Claimant's FAP cas e was closed on April 1, 20 11, due to gross income exceeding the limit.
- Claimant requested a hearing on the closure of her FAP case.

## **CONCLUSIONS OF LAW**

# Food Assistance Program (FAP)

FAP 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 administers the FAP program pursuant to CML 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) and the Program Reference Manual, which includes the Reference Table (RFT).

In Bridges, a group's financial eligibility is determined by using the following formula:

Actual income (income that was already received).

Prospected income amounts (not received but expected).

Only **countable** income is included in the determination; see BEM 500.

Each source of income is converted to a **standard monthly amount**, unless a full month's income will not be received; see standard monthly amount in this item.

**Available income:** Income actually received or reasonably anticipated. Reasonably anticipated means that the amount of income can be estimated and the date of receipt is known. Available income includes garnisheed amounts and incom e received jointly; see BEM 500.

**Stable income:** Income received on a regular schedule that does not vary from check to check based on pay schedules or hours worked. Examples: a job in which the paycheck amounts don't vary and are paid on a regular schedule; or RSDI or SSI.

Determine budgetable inc ome us ing countable, av ailable income for the benefit month being processed.

#### **Past Months**

Use actual gross income am ounts received for past month benefits, converting to a st andard monthly amount, when appropriate; see Standard monthly amount in this item.

Use past income to prospect in come for the future unless changes are expected:

Use income from the **past 30 days** if it appears to accurately reflect what is expected to be received in the benefit month.

The 30-day period us ed can begin up to 30 days before the interview date or the date the information was requested.

## Stable and Fluctuating Income

Convert stable and fluctuating inco me that is received more often than monthly to a standar d monthly amount. Use one of the following methods:

Multiply weekly income by 4.3.

(BEM 505)

The Reference Table (RF T) is used to determine whet her the claimant's income exceeds allowable income. FAP groups are categorically eligible based on enhance d authorization for Domestic Violence Prevention Services. BEM 213. RFT 250 income limit of \$2,430.00, using monthly categorical income

In the present case, Claimant 's average weekly income was \$792.02.00, based on the pay stubs submitted from February 4, 2011 through March 4, 2011. The countable gross income is calculated by multiplying the average weekly income by 4.3. BEM 505 p 6-7. Claimant's countable gross income was, therefore, \$3,405.69. Since Claimant's gross income exceeded the RFT 250 allowable amount of \$2,430.00, the Department was correct in closing Claimant's FAP case. At the hearing, Claimant noted that she did not dispute that she had been empled oyed and that she cooperated with the Department in providing employment verification to the best of her ability.

## **DECISION AND ORDER**

Based upon the abov e findings of fact and conclusions of law, it is concluded that the Department was correct in its decision to close Claimant's FAP case, and it is ORDERED that the Department's decision is AFFIRMED.

Susan C. Burke
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: May 4, 2011

Date Mailed: May 4, 2011

**NOTICE**: Administrative Hearings may or der 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 Hear ings will not orde rarehearing 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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

#### SCB/hw

cc: