

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2011-27796
Issue No: 3002

[REDACTED]

Eaton County DHS

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing received on [REDACTED]. After due notice, a telephone hearing was held on [REDACTED]. Claimant personally appeared and provided testimony.

ISSUE

Did the department properly determine 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. On February 23, 2011, Claimant submitted her Redetermination packet to the department. (Department Exhibits 5-10).
2. The department mailed Claimant a Notice of Case Action on March 14, 2011, notifying Claimant that on processing her Redetermination packet, she had been approved for [REDACTED] in FAP benefits beginning April 1, 2011. (Department Exhibits 19-21).
3. Claimant submitted a hearing request on March 31, 2011, contesting the amount of her FAP benefits. In addition, Claimant also submitted an Acceptance Certificate from her employer Americorps Michigan. (Request for a Hearing; Department Exhibit 3).

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) 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) and the Program Reference Manual (BRM).

For FAP purposes, all earned and unearned income available to 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 (AMP), 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.

In this case, Claimant was contesting the department's FAP eligibility determination of [REDACTED]. On receipt of Claimant's hearing request, the department reviewed her file and found that her shelter expense had not been deducted, and reprocessed her FAP case resulting in an increase in FAP benefits to [REDACTED] a month. Claimant agreed during the hearing that this resolved her issue.

However, Claimant explained that she had a second issue. Claimant testified that in researching her FAP eligibility in preparation for the hearing, she learned that her income from Americorps was exempt, and the department could not include it in their FAP determinations. The department explained that once they received the documentation that she was in fact employed by Americorps, another FAP determination was run excluding that income, and her FAP benefits increased to [REDACTED] a month. Claimant was satisfied with her current receipt of benefits at [REDACTED]

Claimant then argued that she should be entitled to back FAP benefits because she had been working for Americorp since 2009, and she submitted documentation supporting her claim. The department explained that based on departmental policy BAM 406, the department was unable to issue supplements to correct underissuances caused by the client's failure to report. Claimant admitted that she did not notify the department that she worked for Americorp until she submitted her March 31, 2011 hearing request. A review of Claimant's Redetermination packet shows she reported her income as [REDACTED] and her paystubs do not reflect she works for Americorp. Therefore, in accord with policy, the department properly denied issuing Claimant the FAP supplement because she did not report she was employed by Americorp until March 31, 2011.

