

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

IN THE MATTER OF:

[REDACTED]

Reg. No. 201129960
Issue No. 3015
Case No. [REDACTED]
Hearing Date: May 16, 2011
Macomb County DHS (20)

ADMINISTRATIVE LAW JUDGE: [REDACTED]

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on May 16, 2011. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS properly calculated Claimant's income in determining Food Assistance Program (FAP) benefits effective 4/2011.

FINDINGS OF FACT

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

1. Claimant was an ongoing FAP benefit recipient.
2. Claimant was part of a household of four persons.
3. Claimant's three children each received [REDACTED]/month in Retirement, Survivors, Disability Insurance (RSDI)
4. Claimant received [REDACTED] in RSDI
5. One of Claimant's children received [REDACTED] in federal Supplemental Security Income (SSI) and State of Michigan issued SSI of [REDACTED]/three months.

6. Claimant also received the following child support payments: [REDACTED] for 12/2010, [REDACTED] for 1/2011 and [REDACTED] for 2/2011.
7. On an unspecified date in 3/2011, DHS determined Claimant's eligibility for FAP benefits effective 4/2011 based on a monthly household income of [REDACTED]/month.
8. On 3/25/11, Claimant requested a hearing concerning FAP benefits, specifically disputing the income calculated by DHS to determine Claimant's 4/2011 FAP benefits.

CONCLUSIONS OF LAW

The Food Assistance Program (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). DHS (formerly known as the Family Independence Agency) administers the FAP pursuant to Michigan Compiled Laws 400.10, *et seq.*, and Michigan Administrative Code R 400.3001-3015. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT). Updates to DHS regulations are found in the Bridges Policy Bulletin (BPB).

The undersigned will refer to the DHS regulations in effect as of 3/2011, the month of the DHS decision which Claimant is disputing. Current DHS manuals may be found online at the following URL: <http://www.mfia.state.mi.us/olmweb/ex/html/>.

In the present case, Claimant disputed her 4/2011 FAP benefit issuance. Claimant specifically contended that DHS budgeted too much income based on her actual household income. In Claimant's hearing request, Claimant conceded receiving the following income: [REDACTED]/month in RSDI for each of her three children, [REDACTED]/month in SSI for one of her children and [REDACTED]/month in RSDI for herself.

During the hearing, Claimant also did not dispute receiving [REDACTED]/three months in State of Michigan issued SSI (a [REDACTED]/month average). Thus, Claimant agreed receiving [REDACTED]/month in income for her household. Claimant failed to mention any other income.

DHS testified that Claimant's child also received child support for each of the months from 12/2010-2/2011. Once the child support income was brought to Claimant's attention, she did not dispute receiving the income. Claimant failed to explain why she neglected to count the child support income in her income calculation.

To prospect child support income, DHS is to use the average of child support payments received in the past three calendar months, unless changes are expected. BEM 505 at 5. Based on the three payments received by Claimant from 12/2010-2/2011, the

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average monthly income was [REDACTED]. Adding the child support to the RSDI and SSI income results in a total of [REDACTED]/month, precisely what DHS calculated. It is found that DHS properly calculated Claimant's income in determining FAP benefit eligibility for 4/2011.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly determined Claimant's eligibility for FAP benefits effective 4/2011. The actions taken by DHS are AFFIRMED.

[REDACTED]

Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: May 23, 2011

Date Mailed: May 23, 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.

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 of the rehearing decision.

CG/ctl

cc: [REDACTED]
Macomb County DHS (20)
[REDACTED]
Administrative Hearings