

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201134253
Issue No: 3002, 5016
Case No: [REDACTED]
Hearing Date:
June 23, 2011
Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 May 5, 2011. After due notice, a telephone hearing was held on Thursday, June 23, 2011.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Food Assistance Program (FAP) and State Emergency Relief (SER) 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 as a group of two until May 1, 2011.
2. The Department sent the Claimant a Redetermination form with a due date of April 11, 2011.
3. The Claimant receives monthly earned income in the gross monthly amount of \$2,020.
4. The Claimant's spouse receives monthly unemployment compensation in the gross monthly amount of \$1,556.
5. On April 22, 2011, the Department notified that it would terminate her Food Assistance Program (FAP) benefits due to excess income.

6. The Claimant applied for State Emergency Relief (SER) benefits on March 31, 2011.
7. The Claimant has a \$1,008.06 obligation on her heating bill.
8. The Claimant has previously received SER benefits for home heat totaling \$638.66.
9. The Department determined that the Claimant has a co-pay of \$996.72 to receive State Emergency Relief (SER) benefits.
10. The Department received the Claimant's request for a hearing on May 5, 2011, protesting the termination of her Food Assistance Program (FAP) benefits, and the \$996.72 co-pay on her State Emergency Relief (SER) benefits.

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.

In this case, the Claimant was an ongoing Food Assistance Program (FAP) recipient as a group of two until May 1, 2011. The Department sent the Claimant a Redetermination form with a due date of April 11, 2011. The Claimant returned the redetermination form and the Department reviewed her eligibility to receive Food Assistance Program (FAP) benefits.

The Claimant receives monthly earned income in the gross monthly amount of \$2,020. This was determined by taking the average of the two biweekly paychecks she submitted to the Department and multiplying the result by the conversion factor of 2.15. The Claimant's spouse receives monthly unemployment compensation in the gross monthly amount of \$1,556. This was determined by multiplying the Claimant's biweekly unemployment benefit by the monthly conversion factor of 2.15. The Claimant receives a total monthly countable income of \$3,576. The income limit for a group of two to receive Food Assistance Program (FAP) benefits is \$1,579. Therefore, the Department terminated the Claimant's Food Assistance Program (FAP) benefits.

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).

The State Emergency Relief (SER) program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, *et seq.*, and by final administrative rules filed with the Secretary of State on October 28, 1993. MAC R 400.7001-400.7049. Family Independence Agency (FIA or agency) policies are found in the State Emergency Relief Manual (ERM).

The Claimant applied for State Emergency Relief (SER) benefits on March 31, 2011. The Claimant reported a \$1,008.06 obligation on her heating bill. The Claimant has already received State Emergency Relief (SER) benefits for her heating bill in the amount of \$638.66. The Department approved the Claimant for State Emergency Relief (SER) benefits with a maximum benefits of \$11.34, once the Claimant provides evidence that she has paid the remaining claimant amount of \$1,008.06. The Amount the Department is able to contribute to the Claimant's heating obligation is the maximum benefit less the amount of benefits the Claimant has already received.

Based on the evidence and testimony available during the hearing, the Department has established that, the Department has established that it properly determined the Claimant's co-payment to receive State Emergency Relief (SER) benefits.

The Claimant testified that she no longer receives earned income.

Changes in the Claimant's circumstances since the Department redetermined her eligibility to receive benefits may affect her eligibility to receive benefits. Since the Department properly determined her benefits, she will have to submit an additional application for benefits to have the Department reexamine her eligibility based on her new circumstances.

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) and State Emergency Relief (SER) eligibility.

The Department's Food Assistance Program (FAP) and State Emergency Relief (SER) eligibility determinations are AFFIRMED. It is SO ORDERED.



Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: June 28, 2011

Date Mailed: June 29, 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 date of the rehearing decision.

KS/tg

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