

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-34589
Issue No.: 3015
Case No.: [REDACTED]
Hearing Date: June 15, 2011
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Susan Burke

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 June 15, 2011. The Claimant was present and testified via three-way telephone conference. The Department of Human Services (Department) was represented by Assistance Payments Worker, [REDACTED] and [REDACTED] AP Supervisor.

ISSUE

Was the Department correct in its decision to close Claimant's Food Assistance Program (FAP) case due to excess net income?

FINDINGS OF FACT

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

1. Claimant was an ongoing FAP recipient.
2. Claimant is disabled.
3. Claimant incurred medical expenses.
4. The Department determined that claimant was not entitled to FAP benefits without taking into consideration Claimant's medical expenses.
5. Claimant requested a hearing contesting the closure of her FAP case.

CONCLUSIONS OF LAW

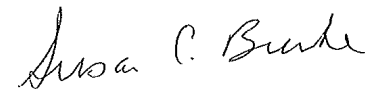
The Food Assistance Program (FAP) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations ("CFR"). The Department administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in BAM, BEM and PRM, which includes the Reference Tables (RFT.).

The federal regulations define household income to include SSI and RSDI benefits, as well as earned income. 7 CFR 273.9(b) Only 80% of earned income is counted in determining FAP benefits. BEM 550. Certain deductions are made from gross income to arrive at net income, including medical expenses for disabled persons. BEM 554.

In the present case, the Claimant testified credibly that she submitted medical expenses to the Department. The Department's net income budget did not include the medical expenses. Without the medical expenses included in the budget for Claimant, who is disabled, it cannot be concluded that the Department was correct in its decision to close Claimant's FAP case. The Department was therefore not correct in its decision to close Claimant's FAP case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was not correct in its decision to close Claimant's FAP case, and it is therefore ORDERED that the Department's decision is REVERSED. It is further ORDERED that the Department shall reinstate Claimant's FAP case, effective May 1, 2011, if she is otherwise eligible. It is further ORDERED that any missed or increased payments shall be made in supplemental form.



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

Date Signed: 6/20/11

Date Mailed: 6/20/11

2011-34589/SB

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.

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