

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

IN THE MATTER OF:

[REDACTED]  
[REDACTED]  
[REDACTED]

Reg. No: 201135287  
Issue No: 3014, 3002  
Case No: [REDACTED]  
Hearing Date:  
June 21, 2011  
Genesee 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 4, 2011. After due notice, a telephone hearing was held on Tuesday, June 21, 2011.

**ISSUE**

Whether the Department of Human Services (Department) properly determined the Claimant's 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 applied for Food Assistance Program (FAP) benefits on April 26, 2011.
2. The Department determined the Claimant's eligibility for the Food Assistance Program (FAP) as a group of two.
3. The Claimant receives monthly unearned income in the gross monthly amount of \$2,616.
4. On April 27, 2011, the Department notified the Claimant that it had denied her Food Assistance Program (FAP) application due to excess income.
5. The Department received the Claimant's request for a hearing on May 4, 2011, protesting the denial of her Food Assistance Program (FAP) application. The

request was received seven days after the Department sent its notice of case action.

### **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).

FAP group composition is established by determining who lives together, the relationship of the people who live together, whether the people living together purchase and prepare food together or separately, and whether the persons resides in an eligible living situation. BEM 212.

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.

In this case, the Claimant applied for Food Assistance Program (FAP) on April 26, 2011. The Department determined the Claimant's eligibility for Food Assistance Program (FAP) benefits as a group of two. This was based on statement's the Claimant made in her application for benefits that indicated that she purchases and prepares food with her mother, a resident of her household.

The Claimant's benefit group receives monthly unearned income in the gross monthly amount of \$1,616. This was determined from the sum of the Claimant's monthly pension income of \$29.43, and her mother's pension income of \$578, and \$2,009. The Claimant's total countable income was reduced by the \$141 standard deduction and allowable medical deductions of \$62, leaving her with an adjusted gross income of \$2,413.

The Claimant's adjusted gross income exceeds the income limit for a group of two. Therefore, the Department denied the Claimant's application for Food Assistance Program (FAP) benefits.

The Claimant argued that her mother's income should not be considered when determining eligibility for the Food Assistance Program (FAP).

The Claimant's mother is not a mandatory member of her Food Assistance Program (FAP) benefit group, but since she indicated on her application for benefits that they purchase and prepare food together, they are combined in to one benefit group. The income of all members of a benefits group must be considered when determining eligibility to receive benefits.

The Claimant testified that she did not understand the application for benefits.

The Department determined benefits based on the information the Claimant submitted on her application for benefits. The Claimant has the opportunity to reapply for benefits as her circumstances change.

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).

### **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) eligibility.

The Department's Food Assistance Program (FAP) eligibility determination is AFFIRMED. It is SO ORDERED.



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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

cc:

