

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-3598  
Issue No.: 1015  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date: November 29, 2010  
DHS County: Wayne (35)

**ADMINISTRATIVE LAW JUDGE:** Jan Leventer

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37 and Claimant [REDACTED] request for a hearing. After due notice, a telephone hearing was held on November 29, 2010. Claimant appeared and testified. [REDACTED]

[REDACTED] appeared and testified on behalf of the Department of Human Services (DHS).

**ISSUE**

Whether DHS properly calculated the amount of Claimant's Food Assistance Program (FAP) grant?

**FINDINGS OF FACT**

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

1. In 2010, Claimant received FAP benefits for herself and granddaughter, [REDACTED], in the amount of \$16 per month, based on their combined income of \$1,600.
2. On October 26, 2010, Claimant requested that her granddaughter be removed from the FAP family group.
3. Claimant receives Social Security income of \$1,100 per month.

4. Based on Claimant's gross income of \$1,100 per month, and taking the \$141 standard deduction from that amount, Claimant's net income for FAP calculation purposes is \$959.
5. The DHS Food Assistance Issuance Tables, RFT 260, page 9, indicate that a family of one person with a monthly net income of \$959, shall receive FAP benefits of \$16 per month.
6. Claimant is entitled to FAP benefits of \$16 per month according to official DHS policy and procedure.

### **CONCLUSIONS OF LAW**

FAP was established by the Food Stamp Act of 1977 and is implemented by Federal regulations in Title 7 of the Code of Federal Regulations. DHS administers the FAP program pursuant to MCL 400.10 *et seq.*, and Michigan Administrative Code Rules 400.3001-400.3015. DHS' policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables (RFT). These manuals are available online at [www.michigan.gov/dhs-manuals](http://www.michigan.gov/dhs-manuals).

The manuals are the policies and procedures that DHS officially created for its own use. While the manuals are not laws created by Congress or the Michigan State Legislature, they constitute the legal authority which DHS must follow. It is to the manuals that I look now in order to see what policy applies in this case. After setting forth what the applicable policy is, I will examine whether it was in fact followed in this case.

I find and conclude that the applicable policy in this case is RFT 260, "Food Assistance Issuance Tables," page 9 of 36. RFT 260 is a chart indicating the amount of the FAP grants for every income level and family size. RFT 260 indicates that, with a net income of \$959 and a family group size of one person, the FAP grant is \$16. RFT 260, p. 9 of 36.

I have reviewed all of the evidence and testimony in this case, and I find and conclude that DHS' calculation of Claimant's FAP grant is correct and is AFFIRMED. DHS need take no further action in this matter.

**DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law, AFFIRMS the calculation of the Claimant's FAP grant in this case. DHS need take no further action in this matter.



Jan Leventer  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: November 30, 2010

Date Mailed: November 30, 2010

**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.

JL/pf

cc:

