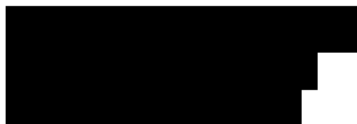


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No. 2011-37802
Issue No. 3015
Case No. [REDACTED]
Hearing Date: July 13, 2011
WAYNE (31)

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's request for a hearing. After due notice, a telephone hearing was held on July 13, 2011 in Detroit. The Claimant appeared and testified at the hearing. [REDACTED] Eligibility Specialist, appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether DHS denied Food Assistance Program (FAP) benefits to Claimant in accordance with policy and procedure?

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 2011, Claimant received \$1,091 monthly pension income and \$1,492 monthly Social Security income, a total monthly income of \$2,583.
2. In January, 2011, and again on May 20, 2011, Claimant applied for FAP benefits with DHS.
3. On February 1 and May 20, 2011, DHS denied FAP benefits to Claimant because her income exceeded the FAP income limit of \$903 for a family group of one person.
4. On May 26, 2011, Claimant filed a Notice of Hearing Request with DHS.

CONCLUSIONS OF LAW

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


BAM, BEM and RFT are the policies and procedures DHS officially created for its own use. While the DHS manuals are not laws created by the U.S. Congress or the Michigan Legislature, they constitute 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.

RFT 250, "FAP Income Limits," is the DHS manual item which provides the procedure for DHS' action in this case. This chart indicates that for a family group of one person, the maximum income a person may receive in order to be qualified for FAP is \$903. I find and determine that Claimant's monthly income is clearly above \$903 and accordingly the Department was correct in its denial of FAP benefits to Claimant.

In conclusion, based on all of the findings of fact and conclusions of law, I find and conclude that DHS is AFFIRMED. DHS need take no further action in this case.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, states that DHS is AFFIRMED. DHS need take no further action in this case.



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

Date Signed: July 14, 2011

Date Mailed: July 14, 2011

2011-37802/JL

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/cl

cc:

