

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.: 2011-4145  
Issue Nos.: 3002, 3003  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date: December 1, 2010  
DHS County: Macomb (20)

**ADMINISTRATIVE LAW JUDGE:** Susan C. Burke

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on December 1, 2010. Claimant appeared and testified. The Department of Human Services (the Department) was represented by [REDACTED].

**ISSUE**

Did the Department correctly calculate Claimant's Food Assistance Program (FAP) benefits for the month of September, 2010?

**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 recipient of FAP benefits.
2. Claimant was sixty years of age or older.
3. Claimant was in a household of two persons.
4. Claimant received Social Security in the amount of \$1,098.00 per month.
5. Claimant had shelter expenses of \$125.00 per month.
6. Previously, the Department incorrectly included a medical deduction, as the State of Michigan paid the medical expense for that month.

7. The medical deduction was correctly excluded from the budget determination for the month of September, as the State of Michigan paid the medical expense for that month.
8. The Department determined that Claimant was entitled to FAP benefits of \$136.00.
9. Claimant requested a hearing on October 13, 2010, contesting the determination of FAP benefits.

### **CONCLUSIONS OF LAW**

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. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM), including Reference Tables (RFT.)

In Bridges, a group's benefit level is determined by budgeting the entire amount of earned and unearned countable income. Gross countable earned income is reduced by a 20% earned income deduction. Every case is allowed the standard deduction shown in RFT 255. BEM 550. A Senior Disabled Veteran (SDV) FAP group is one which has an SDV member. A Senior is defined as a person at least sixty years old. BEM 550.

A group's benefit level takes into account certain expenses. For groups with one or more SDV members, Bridges uses excess shelter and medical expenses that exceed \$35.00. BEM 554.

Shelter expenses for seniors are determined by adding the housing expense to the utility standard of \$555.00 and subtracting from that sum 50% of the adjusted gross income minus medical, child care and child support expenses. BEM 554.

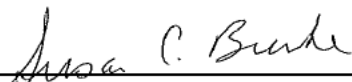
In the present case, according to the aforementioned policy on budgeting, Claimant has \$1,098.00 unearned income from Social Security benefits. Subtracting the \$132.00 standard deduction (RFT 255) from \$1,098.00 results in \$966.00 adjusted gross income. The medical expenses are not included because the State of Michigan paid them, and there are no child care and child support expenses. Claimant qualified for an excess shelter deduction of \$197.00 as his shelter expense. \$197.00 resulted from subtracting 50% of the adjusted gross income of \$966.00 (or \$483.00) from \$680.00 (the sum of the shelter expense of \$125.00 and the standard utility deduction of \$555.00.). Subtracting \$197.00 from \$966.00 results in \$769.00 net income. An SDV

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household of two with a net monthly income of \$769.00 is entitled to a monthly FAP grant of \$136.00. RFT 260. Therefore, the Department's determination of benefits is correct.

**DECISION AND ORDER**

Based upon the above findings of fact and conclusions of law, it is concluded that the Department was correct in the determination of FAP benefits, and it is ORDERED that the Department's decision in this regard be and is hereby AFFIRMED.

  
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Susan C. Burke  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: December 6, 2010

Date Mailed: December 7, 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.

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