

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2011-45139

Issue No: 3002

[REDACTED]

Jackson County DHS

**ADMINISTRATIVE LAW JUDGE:** Vicki L. Armstrong

**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 received on July 27, 2011. After due notice, a telephone hearing was held on August 25, 2011. Claimant personally appeared and provided testimony.

**ISSUE**

Did the department properly determine Claimant's Food Assistance Program (FAP) 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. On July 1, 2011, Claimant submitted her Redetermination packet to the department. (Department Exhibits 1-6).
2. The department mailed Claimant a Notice of Case Action on July 19, 2011, notifying Claimant that on processing her Redetermination packet, she had been approved for [REDACTED] in FAP benefits beginning August 1, 2011. (Department Exhibits 11-16).
3. Claimant submitted a hearing request on July 27, 2011, protesting the amount of her FAP benefits. (Request for a Hearing).

## CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) 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) and the Reference Tables Manual (RFT).

For FAP purposes, all earned and unearned income available to Claimant is countable. Earned income means income received from another person or organization or from self-employment 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 (AMP), 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.

In this case, Claimant was contesting the department's FAP eligibility determination of [REDACTED]. The department explained that based on the SOLQ report dated June 28, 2011, Claimant's son was receiving \$912.00 per month in RSDI. As a result of including Claimant's son's income in the budget, Claimant's FAP benefits were reduced to [REDACTED] a month. Claimant is not disputing the department's actions because the information they based their actions on is correct.

However, Claimant testified that her son does not receive the RSDI. It is her mother who receives the checks in his name but does not share the money with her or her son. According to departmental policy, income paid to an individual acting as a representative for another individual is **not** the representative's income. The income is the other individual's income. BEM 500. In other words, the RSDI check does not belong to Claimant's mother, even though she is the designated representative according to the social security administration to receive Claimant's son's RSDI checks.

