

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-46693
Issue No.: 3002
Case No.: [REDACTED]
Hearing Date: September 1, 2011
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Susan 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 September 1, 2011 in Detroit, Michigan. Claimant appeared and testified. The Department of Human Services (Department) was represented by Y. Chami, ES.

ISSUE

Was the Department correct in its calculation of Claimant's FAP benefits?

FINDINGS OF FACT

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

1. Claimant was an ongoing FAP recipient.
2. Claimant receives \$668.00 in unearned income per month, consisting of \$654.00 and a \$14.00 per month supplement that is issued quarterly in a \$42.00 payment.
3. The Department determined that Claimant was entitled to FAP benefits in the amount of \$178.00 per month, effective August 1, 2011.
4. Claimant requested a hearing, protesting the amount of food benefits.

CONCLUSIONS OF LAW

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 (formerly known as the Family Independence Agency) administers the FAP program pursuant to CML 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 Bridges Reference Manual (BRM).

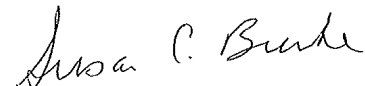
Unearned income is considered, along with certain expenses, in determining the amount of FAP benefits issued. BEM 554.

In the present case, the Department could substantiate \$668.00 of unearned income for Claimant, yet the budget it presented as evidence showed unearned income of \$682.00. Therefore, the Department was not correct in its calculation of Claimant's FAP benefits.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law decides that the Department was not correct in its calculation of Claimant's FAP benefits. It is therefore ORDERED that the Department's decision is REVERSED. It is further ORDERED that the Department shall:

1. Initiate recalculation of Claimant's FAP benefits, effective August 1, 2011 and ongoing.
2. Issue supplements for any missed or increased FAP payments, effective August 1, 2011 and ongoing, if Claimant is otherwise eligible for FAP.



Susan Burke
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 9/8/11

Date Mailed: 9/8/11

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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 of the rehearing decision.

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