

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.: 2011-12206
Issue No.: 3002
Case No.: [REDACTED]
Hearing Date: January 26, 2011
DHS County: Wayne (82-19)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 January 26, 2011. Claimant appeared and testified. [REDACTED], appeared on behalf of the Department of Human Services (Department).

ISSUE

Was the Department correct in determining Claimant's Food Assistance Program (FAP) benefits?

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. On November 3, 2010, the Department determined that Claimant's FAP benefit would be decreased to \$16 per month from \$107 per month effective December 1, 2010.
3. Claimant receives unearned income of \$1,095 per month from Social Security benefits.
4. Claimant's son has \$231 per month employment income.
5. Claimant has a shelter expense of \$971.

6. Claimant requested a hearing on October 24, 2010, contesting the determination of FAP benefits.

CONCLUSIONS OF LAW


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, formerly known as the Family Independence Agency, administers FAP pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Departmental policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Program Reference Manual (PRM).

The federal regulations define household income to include all earned income. 7 CFR 273.9(b). All monthly income must be converted to a nonfluctuating monthly amount. Only 80% of earned income is counted in determining FAP benefits. BEM 550. Under 7 CFR 273.9, as amended, \$141.00 is deducted from the gross income of FAP recipients in determining FAP grants.

In the present case, according to the aforementioned policy on budgeting, Claimant has \$1,049 unearned income from Social Security benefits. Claimant's son has \$231 earned employment income and \$468 unemployment income. Subtracting \$141 from \$1,747 results in an adjusted gross income of \$1,606. Claimant qualified for an excess shelter deduction of \$168, as her shelter expense of \$971 was in excess of \$803 (50% of \$1,606 income after prior deductions were made) by \$168. Subtracting \$168 from \$1,606 results in a net income of \$1,438. A household of two with a net monthly income of \$1,438 is entitled to a monthly FAP grant of \$16 per month. RFT 260. Therefore, the Department's determination of benefits is correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department properly calculated the Claimant's FAP benefits, and it is ORDERED that the Department's decision in this regard be and is hereby AFFIRMED.



Aaron McClintic
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: January 31, 2011

2011-12206/AM

Date Mailed: February 1, 2011

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.

AM/pf

cc:

