

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

IN THE MATTER OF THE CLAIM OF:

[REDACTED]

Reg. No.: 201125261
Issue No.: 3002
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: April 18, 2011
Wayne County DHS

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 the Claimant's request for a hearing. After due notice, a telephone hearing was held on April 18, 2011. The Claimant was present and testified. The Department of Human Services (Department) was represented by FIM [REDACTED] and Assistance Payments Worker [REDACTED].

ISSUE

Was the Department correct in its calculation of Claimant's Food Assistance Program (FAP) grant?

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 FAP recipient in a household of three persons.
2. Claimant received unemployment income of \$724.00 every two weeks.
3. Claimant had an obligation for shelter, utilities and heat.
4. The Department determined that claimant was entitled to \$238.00 in FAP benefits per month.

5. Claimant requested a hearing contesting the amount of the FAP grant.

CONCLUSIONS OF LAW

The Food Assistance Program (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. Departmental policies are found in BAM, BEM and PRM, which includes the Reference Tables (RFT).

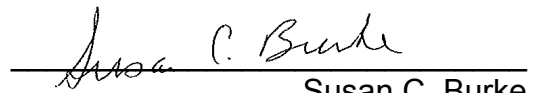
The federal regulations define household income to include SSI and RSDI benefits, as well as earned income. 7 CFR 273.9(b) Under 7 CFR 273.9, as amended, and RFT 255, \$141.00 is deducted from the gross income of FAP recipients in determining FAP grants for a group size of three. Under 7 CFR 273.9, deductions for shelter are also made. BEM 554.

In the present case, according to the aforementioned policy on budgeting, Claimant has a net monthly income of \$957.00. This was obtained by subtracting the standard deduction of \$141.00 and the shelter amount of \$458.00 from the gross unearned income of \$1,556.00 (\$724.00 x 2.15 BEM 505, p. 6, 7). The amount of a monthly food assistance allotment is established by regulations at 7 CFR 273.10. A household of three persons with a net monthly income of \$967.00 is entitled to a monthly FAP grant of \$238.00 per month. RFT 260. The Department was therefore correct in its calculation of Claimant's FAP grant.

Claimant states that he expects to receive unemployment benefits for eight more weeks. Should Claimant's household receive lower income, he may ask the Department for a re-determination of the grant.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was correct in its calculation of Claimant's FAP grant, and it is therefore ORDERED that the Department's decision is AFFIRMED.



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

201125261/SCB

Date Signed: May 4, 2011

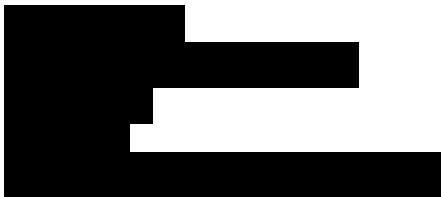
Date Mailed: May 4, 2011

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.

SCB / hw

cc:

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