

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE CLAIM OF:

[REDACTED]

Reg. No.: 201125778  
Issue No.: 3002  
Case 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 [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 two persons.
2. Claimant was eligible for senior/disabled/veteran status (SDV) and had incurred medical expenses.
3. Claimant had an obligation for shelter, heat and utilities.
4. The Department determined that Claimant was entitled to \$17.00 in FAP benefits, effective April 1, 2011.
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).

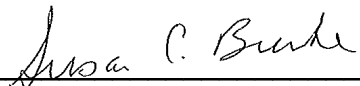
The federal regulations define household income to include SSI and RSDI benefits, as well as earned income. 7 CFR 273.9(b) Under 7 CFR 273.9, as amended, and RFT 255, \$141.00 is deducted from the gross income of FAP recipients in determining FAP grants for a group size of two. Under 7 CFR 273.9, deductions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

In the present case, the Department did not submit a budget showing how the shelter deduction was obtained. Without this information, this Administrative Law Judge cannot determine whether the Department calculated correctly Claimant’s FAP grant. In addition, Claimant states that his wife is no longer working, and the Department had included his wife’s income in determining the April 1, 2011 grant.

It is also noted that the unearned income of \$620.00 found in the Department’s budget for Claimant was not substantiated, and medical expenses were not included in the budget.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was not correct in its calculation of Claimant’s FAP grant, and it is therefore ORDERED that the Department’s decision is REVERSED. It is further ORDERED that the Department shall recalculate Claimant’s FAP budget as of April 1, 2011, using current information. It is further ORDERED that any increased payments shall be made in the form of a supplement.

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

201125778/ 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:

[REDACTED]