

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

IN THE MATTER OF:

[REDACTED]
[REDACTED] Load

DHS

Reg. No.: 201127008
Issue No.: 3015
Case No.: [REDACTED]
No.: [REDACTED]
Hearing Date: April 27, 2011
County: Wayne

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 Claimant's request for a hearing. After due notice, a telephone hearing was held on April 27, 2011. Claimant appeared and testified. The Department of Human Services (Department) was represented by [REDACTED]

ISSUE

Was the Department correct in its decision to close Claimant's Food Assistance Program (FAP) case due to gross income exceeding the limit?

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's gross income was \$3,405.69
3. Claimant's FAP case was closed on April 1, 2011, due to gross income exceeding the limit.
4. Claimant requested a hearing on the closure of her FAP case.

CONCLUSIONS OF LAW

Food Assistance Program (FAP)

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 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 Program Reference Manual, which includes the Reference Table (RFT).

In Bridges, a group's financial eligibility is determined by using the following formula:

Actual income (income that was already received).

Prospected income amounts (not received but expected).

Only **countable** income is included in the determination; see BEM 500.

Each source of income is converted to a **standard monthly amount**, unless a full month's income will not be received; see standard monthly amount in this item.

Available income: Income actually received or reasonably anticipated. Reasonably anticipated means that the amount of income can be estimated and the date of receipt is known. Available income includes garnisheed amounts and income received jointly; see BEM 500.

Stable income: Income received on a regular schedule that does not vary from check to check based on pay schedules or hours worked. Examples: a job in which the paycheck amounts don't vary and are paid on a regular schedule; or RSDI or SSI.

Determine budgetable income using countable, available income for the benefit month being processed.

Past Months

Use actual gross income amounts received for past month benefits, converting to a standard monthly amount, when appropriate; see Standard monthly amount in this item.

Use past income to prospect income for the future unless changes are expected:

Use income from the **past 30 days** if it appears to accurately reflect what is expected to be received in the benefit month.

The 30-day period used can begin up to 30 days before the interview date or the date the information was requested.

Stable and Fluctuating Income

Convert stable and fluctuating income that is received more often than monthly to a standard monthly amount. Use one of the following methods:

Multiply weekly income by 4.3.

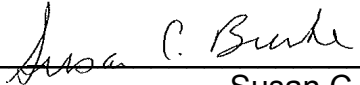
(BEM 505)

The Reference Table (RFT) is used to determine whether the claimant's income exceeds allowable income. FAP groups are categorically eligible based on enhanced authorization for Domestic Violence Prevention Services. BEM 213. RFT 250 mandates that a group size of two has an income limit of \$2,430.00, using monthly categorical income

In the present case, Claimant's average weekly income was \$792.02.00, based on the pay stubs submitted from February 4, 2011 through March 4, 2011. The countable gross income is calculated by multiplying the average weekly income by 4.3. BEM 505 p 6-7. Claimant's countable gross income was, therefore, \$3,405.69. Since Claimant's gross income exceeded the RFT 250 allowable amount of \$2,430.00, the Department was correct in closing Claimant's FAP case. At the hearing, Claimant noted that she did not dispute that she had been employed and that she cooperated with the Department in providing employment verification to the best of her ability.

DECISION AND ORDER

Based upon the above findings of fact and conclusions of law, it is concluded that the Department was correct in its decision to close Claimant's FAP case, and it is ORDERED that the Department's decision is AFFIRMED.



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

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:

