

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201127305  
Issue No.: 1015; 3002  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date: May 5, 2011  
DHS County: Wayne County DHS (57)

**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 May 5, 2011. Claimant appeared and testified. The Department of Human Services (Department) was represented by [REDACTED]

**ISSUE**

Was the Department correct in its calculation of Claimant's Family Independence Program (FIP) and 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 FIP and FAP recipient.
2. The Department calculated Claimant's FIP and FAP benefits effective March 9, 2011, based on Claimant's income from September 2010 and October 2010.
3. Claimant's income was different in March, 2011 from her income in September and October of 2010.
4. Claimant requested a hearing, protesting the amount of FIP and FAP benefits.

### **CONCLUSIONS OF LAW**

The Family Independence program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM), which includes the Reference Tables (RFT.)

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 Tables (RFT).

BEM 505, p. 1, dictates:

A group's benefits for a month are based, in part, on a prospective income determination. A best estimate of income expected to be received by the group during a specific month is determined and used in the budget computation.

Get input from the client whenever possible to establish this best estimate amount.

In the present case, the Department used Claimant's income from September and October of 2010 to determine Claimant's FIP and FAP benefits effective March 9, 2011. Claimant testified credibly at the hearing that her income in March of 2011 was different from her income in September and October 2010. Therefore, the Department was not correct in its calculation of Claimant's FIP and FAP benefits, effective March 9, 2011.

### **DECISION AND ORDER**

Based upon the above findings of fact and conclusions of law, it is concluded that the Department was not correct in its calculation of Claimant's FIP and FAP benefits. It is therefore ORDERED that the Department's decision is REVERSED. It is further ORDERED that the Department shall recalculate Claimant's FIP and FAP benefits

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effective March 9, 2011. It is further ORDERED that any missed or increased payments shall be made in the form of a supplement.

/s/ \_\_\_\_\_  
Susan C. Burke  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: May 13, 2011

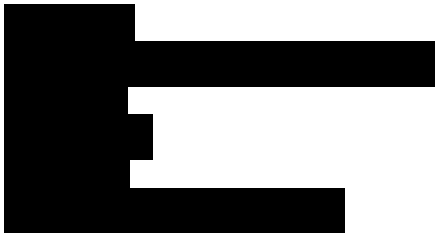
Date Mailed: May 13, 2011

**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.

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