

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2011-28611

Issue No: 3002

[REDACTED]
Isabella County DHS

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

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 received on [REDACTED]. After due notice, a telephone hearing was held on [REDACTED]. Claimant personally appeared and provided testimony.

ISSUE

Did the department properly determine 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. The department mailed Claimant a Notice of Case Action on March 1, 2011, informing his that his FAP benefits decreased to [REDACTED] a month based on a change in his unearned income. (Department Exhibits 1-2).
2. On March 9, 2011, the department received Claimant's hearing request protesting the change in his FAP benefits. (Request for a Hearing).
3. On March 10, 2011, during a conversation with his case worker, Claimant stated that his rent was only [REDACTED], not [REDACTED]. (Department Exhibit 3).
4. The department corrected Claimant's shelter expense by changing his rent from [REDACTED] a month to [REDACTED] a month. (Hearing Summary).

CONCLUSIONS OF LAW

The Food Assistance Program (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 of Human Services (DHS or department) administers the FAP program pursuant to MCL 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 (BRM).

For FAP purposes, all earned and unearned income available to Claimant is countable. Earned income means income received from another person or organization or from self-employment for duties that were performed for compensation or profit. Unearned income means all income that is not earned, including but not limited to funds received from the Family Independence Program (FIP), State Disability Assistance (SDA), Child Development and Care (CDC), Medicaid (MA), Social Security Benefits (RSDI/SSI), Veterans Administration (VA), Unemployment Compensation Benefits (UCB), Adult Medical Program (AMP), alimony, and child support payments. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. BEM 500.

In this case, Claimant was contesting the department's FAP eligibility determination of [REDACTED], because the department used the incorrect amount for his rent. As a result of receiving Claimant's hearing request, the department representative contacted Claimant and corrected his rent to [REDACTED] a month, from [REDACTED] a month.

From the documentation submitted, it appears that Claimant and Vermalee Thompson began living together in April 2010. As a result, the two FAP cases were merged and Bridges added their rents together, budgeting [REDACTED] a month. However, the first time the department was notified of this error in budgeting Claimant's shelter expense was on March 10, 2011, when a departmental representative contacted Claimant in response to receiving his request for a hearing. Once Claimant pointed out the error, the shelter expense was changed to [REDACTED] a month and his FAP eligibility was redetermined.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department acted in accordance with policy in determining Claimant's FAP eligibility.

The department's FAP eligibility is AFFIRMED.

