

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 20113273

Issue No: 3015

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

November 24, 2010

Barry County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 hearing was held on November 24, 2010. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) due to excess income?

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 recipient of Food Assistance Program (FAP) benefits.
2. On September 23, 2010 Claimant reported she had earned income.
3. On October 5, 2010 Claimant submitted a single check stub from two separate employers. The paystub from [REDACTED] listed [REDACTED] in gross pay but did not show a pay period. Claimant had written some information on the copy but most of it was obscured and only showed "hrs a week 8.00/hr".

4. On October 6, 2010 the Department worker determined the income from [REDACTED] was weekly and entered all the income information into a financial eligibility budget. That budget showed that Claimant was not eligible due to excess income. Claimant was sent a Notice of Case Action (DHS-1605) stating her Food Assistance Program (FAP) case would close on November 1, 2010.
5. On October 22, 2010 Claimant submitted a request for hearing.

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 (PRM).

At this hearing Claimant testified that the owner of [REDACTED] did not speak very good English and she was unable to communicate with them about needing income information. Claimant also testified that she no longer works at [REDACTED] but her pay there was every two weeks. The Department sent a Verification of Employment (DHS Form 38) to [REDACTED] but never received it back. Claimant submitted another paystub from [REDACTED] with her request for hearing.

Claimant did not raise any issues about the amount of income from the other employer which was used in her financial eligibility budget. This was a part time job waitressing on the weekend.

This Administrative Law Judge took the two [REDACTED] paystubs and recalculated Claimant's financial eligibility budget for Food Assistance Program (FAP) benefits using the [REDACTED] [REDACTED] pay as a bi-weekly amount [REDACTED]. Claimant's gross income as recalculated was [REDACTED]. The Food Assistance Program (FAP) gross income limit for Claimant is [REDACTED]. Even with the frequency of [REDACTED] income corrected, Claimant is not eligible for Food Assistance Program (FAP) benefits due to excess income.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly closed Claimant's Food Assistance Program (FAP) due to excess income.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHeld.

/s/ _____
Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 30, 2010

Date Mailed: November 30, 2010

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.

GFH/vc

cc:

