

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-33759  
Issue No.: 3019  
Case No.: [REDACTED]  
Hearing Date: June 6, 2011  
DHS County: Oakland (63-02)

**ADMINISTRATIVE LAW JUDGE:** Jan Leventer

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37 and Claimant [REDACTED] request for a hearing. After due notice, a telephone hearing was held on June 6, 2011. Claimant appeared and testified. [REDACTED] appeared and testified on behalf of the Department of Human Services (DHS).

**ISSUE**

Whether DHS properly closed Claimant's Food Assistance Program (FAP) grant?

**FINDINGS OF FACT**

The Administrative Law Judge, based on competent, material, and substantial evidence in the record and on the entire record as a whole, finds as fact:

1. In 2011, Claimant received FAP benefits from DHS.
2. On March 15, 2011, DHS sent Claimant a Redetermination notice, requesting current income information. DHS assigned a due date of April 5, 2011, for Claimant to return the Redetermination and income verification.
3. On April 28, 2011, Claimant submitted the completed Redetermination Form and documentation of income.
4. Based on current information, DHS determined that Claimant had \$2,664 countable monthly income, which exceeds the maximum allowed for her family group to receive FAP benefits.

5. On April 30, 2011, DHS issued a Notice of Case Action, informing Claimant that her FAP benefits would be terminated effective April 30, 2011.
6. On May 3, 2011, Claimant filed a Request for a Hearing.

### **CONCLUSIONS OF LAW**

FAP was established by the U.S. Food Stamp Act of 1977 and is implemented by Federal regulations contained in Title 7 of the Code of Federal Regulations. DHS administers the FAP program pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code Rules 400.3001-400.3015. DHS' policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables (RFT). These manuals are available online at [www.michigan.gov/dhs-manuals](http://www.michigan.gov/dhs-manuals).

BAM, BEM and RFT are the policies and procedures DHS officially created for its own use. While the DHS manuals are not laws created by the U.S. Congress or the Michigan Legislature, they constitute legal authority which DHS must follow. It is to the manuals that I look now in order to see what policy applies in this case. After setting forth what the applicable policy is, I will examine whether it was in fact followed in this case.

In this case, DHS cites as its authority BEM 550, "FAP Income Budgeting," BEM 554, "FAP Allowable Expenses and Expense Budgeting," and BEM 556, "Computing the Food Assistance Budget." I have reviewed all of these items in their entirety and I find that DHS did not omit any income deductions to which Claimant was entitled. Applying the standard deduction formula to Claimant's gross income of \$2,664, DHS arrived at a net income amount for Claimant of \$1,579. BEM 550, 554, 556.

Going further into the manuals for the authority for this case, BEM 556 refers the reader next to a chart, RFT 250, "FAP Income Limits." RFT 250 states that a family group of two is not eligible for FAP benefits if their monthly net income is more than \$1,215. BEM 556, p. 5; RFT 250. As the RFT 250 net income limit of \$1,215 is clearly lower than Claimant's net income of \$1,579, I find that this information is determinative that Claimant is not eligible for FAP benefits.

In conclusion, based on the findings of fact and conclusions of law above, I find and decide that DHS used the current income information provided by Claimant and gave Claimant the proper deductions. I find and determine that DHS correctly closed Claimant's FAP case. I AFFIRM the DHS action taken in this case. DHS need take no further action in this case.

**DECISION AND ORDER**

Based on the above findings of fact and conclusions of law, the Administrative Law Judge AFFIRMS the action taken by DHS in this case. DHS need take no further action in this case.



Jan Leventer  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: June 8, 2011

Date Mailed: June 8, 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.

JL/pf

cc:

