

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 201139565
Issue No: 3002, 3008, 3016
Case No: [REDACTED]
Hearing Date:
July 20, 2011
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on June 22, 2011. After due notice, a telephone hearing was held on Wednesday, July 20, 2011.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Food Assistance Program (FAP) eligibility?

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 Claimant is an ongoing Food Assistance Program (FAP) recipient.
2. The Claimant receives monthly earned income in the gross monthly amount of \$1,202.
3. The Department determined that the Claimant is eligible for a monthly Food Assistance Program (FAP) allotment of \$16.
4. The Department received the Claimant's request for a hearing on June 22, 2011, protesting the amount of his Food Assistance Program (FAP) allotment.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (formerly known as the Food Stamp 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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

All earned and unearned income available to the Claimant is countable. Earned income means income received from another person or organization or from self-employment for duties 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 (AMA), 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.

The Department determines a client's eligibility for program benefits based on the client's actual income and/or prospective income. Actual income is income that was already received. Prospective income is income not yet received but expected. Prospective budgeting is the best estimate of the client's future income. BEM 505.

All income is converted to a standard monthly amount. If the client is paid weekly, the Department multiplies the average weekly amount by 4.3. If the client is paid every other week, the Department multiplies the average bi-weekly amount by 2.15. BEM 505.

The Claimant is an ongoing Food Assistance Program (FAP) recipient.

The Claimant was given notice that his Food Assistance Program (FAP) benefits would be terminated because he did not meet the requirements of the new student status policy effective April 1, 2011. The Claimant started new employment on March 29, 2011, and as a result he is eligible to receive Food Assistance Program (FAP) benefits. The Department retracted the closure of the Claimant's Food Assistance Program (FAP) benefits, and re-determined his eligibility.

The Claimant receives monthly-earned income in the gross monthly amount of \$1,202. This was determined by taking the average of his bi-weekly paychecks, \$471.14 received on April 14, 2011, and \$674.78 received on April 28, 2011, and multiplying the result by the conversion factor of 2.15. The Claimant's adjusted gross income of \$821 is determined by reducing his countable income by a 20% earned income deduction, and the standard \$141 deduction.

The Department could not consider his monthly shelter deduction because the Claimant failed to provide verification of his monthly expenses. Under the Low Income Home Energy Assistance Program, the Claimant is given credit for heat and utility expenses without any verification of his actual expenses.

The Department determined the Claimant's excess shelter deduction by taking the standard \$588 heat and utility deduction under the Low Income Home Energy Assistance Program, and subtracting 50% of his adjusted gross income.

The Claimant's net income of \$642 is determined by subtracting the excess shelter deduction from the adjusted gross income. A claimant with a group size of one and a net income of \$642 is entitled to a FAP allotment of \$16, which is the amount of FAP benefits granted to the Claimant for this period. RFT 260. I find that the Department has established that it acted in accordance with policy determining Claimant's FAP allotment.

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 the Claimant's Food Assistance Program (FAP) eligibility.

The Department's Food Assistance Program (FAP) eligibility determination is AFFIRMED. It is SO ORDERED.



Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: July 26, 2011

Date Mailed: July 27, 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.

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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.

KS/tg

cc:

