

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-42101
Issue No.: 3002
Case No.: [REDACTED]
Hearing Date: August 1, 2011
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Susan 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 August 1, 2011. Claimant appeared and testified. Claimant's sister, [REDACTED] also testified on behalf of Claimant. The Department of Human Services (Department) was represented by [REDACTED]

ISSUE

Was the Department correct in its calculation of Claimant's Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

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

1. Claimant was an ongoing FAP recipient.
2. Claimant falls into the senior/disabled category, being [REDACTED] years of age and receiving Retirement, Survivors, and Disability Insurance.
3. Claimant's Adjusted Gross Income was \$1,510.00.
4. Claimant incurred medical and shelter expenses.

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5. The Department determined that Claimant was entitled to \$32.00, effective May 1, 2011.
6. Claimant requested a hearing on April 15, 2011.

CONCLUSIONS OF LAW

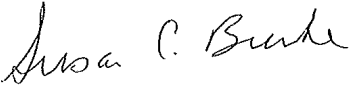
The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) 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 Bridges Reference Manual (BRM).

In determining FAP benefits, certain deductions are made from Claimant's adjusted gross income. See BEM 554.

In the present case, Claimant at the hearing verified income and expenses used by the Department to calculate Claimant's FAP benefits. Therefore, I find that the Department was correct in its calculation of Claimant's FAP benefits. It is noted that Claimant's earned income varies, and she may report any change in income or expenses to the Department for a future recalculation.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law decides that the Department was correct in its calculation of Claimant's FAP benefits. Therefore, it is ORDERED that the Department's decision is AFFIRMED.



Susan Burke
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 8/9/11

Date Mailed: 8/9/11

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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 of the rehearing decision.

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cc:

