

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201144072
Issue No.: 3002
Case No.: [REDACTED]
Hearing Date: August 17, 2011
Wayne County DHS (31)

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 17, 2011 in Detroit, Michigan. Claimant appeared and testified. [REDACTED] ES, appeared on behalf of the Department of Human Services (Department).

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 in a group size of one.
2. Claimant received monthly unemployment compensation of \$1,423.00.
3. Claimant had certain expenses, including housing and child support, which yielded a net income of \$320.00.
4. The Department determined that Claimant was entitled to \$104.00 in FAP benefits per month, effective April 1, 2011.
5. Claimant requested a hearing, protesting the amount of FAP benefits.

CONCLUSIONS OF LAW

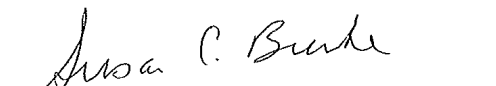
The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as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

BEM 505 and BEM 554 are instructive in budgeting FAP benefits. RFT 260 shows the amount of benefits allowed based on group size and net income.

In the present case, Claimant confirmed the figures used by the Department as to the amount of unemployment compensation, child support and housing expense that the Department used to arrive at Claimant's net income of \$320.00. RFT 250 shows that a group size of one with a net income of \$320.00 is entitled to \$104.00 in FAP benefits per month. Therefore, the Department was correct in its calculation of Claimant's FAP benefits.

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, and it is therefore ORDERED that the Department's decision is AFFIRMED.



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

Date Signed: August 19, 2011

Date Mailed: August 19, 2011

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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.

SCB/hw

cc:

