

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

IN THE MATTER OF:

[REDACTED]  
[REDACTED]  
[REDACTED]

Reg. No: 20114412

Issue No: 3002

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

December 7, 2010

Kent County DHS

ADMINISTRATIVE LAW JUDGE: Kandra Robbins

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37, 7 CFR 273.16, MAC R 400.3130, and MAC R 400.3178 upon the Claimant's request for hearing. After due notice, a [telephone](#) conference hearing was held on [December 7, 2010](#). The claimant was present and testified.

**ISSUE**

Did the Department properly determine claimant's Food Assistance Program (FAP) benefit?

**FINDINGS OF FACT**

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

1. The claimant was receiving FAP with a group size of 4.
2. The claimant submitted an increase in rent payments on April 19, 2010 (Hearing Summary).
3. The Worker made the change in Bridges and the DHS 1605 Notice of Case Action was sent to the Claimant indicating an increase in FAP benefit.

4. On April 26, 2010, the Department received the claimant's Request for Hearing DHS 1605 protesting the Department's determination of her FAP allotment.

### **CONCLUSIONS OF LAW**

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901 - .951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1) An opportunity for a hearing shall be granted to an applicant who requests a hearing because of a denial. MAC R 400.903(2)

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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 Program Administrative Manual (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM). Department Policy states:

#### **DEFINITIONS ALL TOA**

**Income** means a benefit or payment received by an individual which is measured in money. It includes money an individual owns even if not paid directly such as income paid to a representative.

**Countable Income** Countable income is the amount remaining after applying policy in this and other income-related manual items. This is the amount used to determine eligibility and benefit level.

**Earned Income** Earned income means income received from another person or organization or from self-employment for duties that were performed for remuneration or profit. Some rental income is considered earned; see [BEM 504](#), Income from Rental/Room and Board.

Unearned Income Unearned income is all income that is not earned.

Gross Income Gross income is the amount of income before any deductions such as taxes or garnishments. This may be more than the actual amount an individual receives. (BEM 500).

The claimant had earned income in the amount of \$1,751.00. The Department determines a FAP group's net income by deducting certain allowable expenses. These expenses include shelter expenses. The claimant had a housing expense of \$500.00 and a heat and utility deduction of \$588.00. After calculating the standard deductions, the claimant had a total net income was properly calculated to be \$1,706.00. The federal regulations provide standards for income and the amount of household benefits. The Claimant's FAP benefit was determined to be \$216.00. The Department's FAP eligibility determination was correct based on the verification that the claimant submitted to the Department at the time. Although the Claimant states she did not actually receive the FAP, there is nothing in the record to support this claim.

**DECISION AND ORDER**

This Administrative Law Judge, based upon the above findings and conclusion of law, decides that the Department correctly determined the claimant's FAP benefit.

It is so ORDERED.

/s/ \_\_\_\_\_  
Kandra Robbins  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: December 21, 2010

Date Mailed: December 21, 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.

2011-4412/IR

KKR/tg

cc:

