

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-4416
Issue No.: 3003/3002
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: December 2, 2010
Oakland County DHS (2)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on December 2, 2010. The claimant appeared and testified. [REDACTED], Assistance Payments Supervisor appeared and testified on behalf of the Department.

ISSUE

Did the Department properly compute the Claimant's Food Assistance (FAP) Benefits?

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 FAP recipient and currently receives \$16 a month in FAP benefits.
2. On July 2, 2010, the claimant began receiving unemployment compensation benefits. The claimant receives \$1083 per month in benefits. This amount was confirmed by the claimant at the hearing. Exhibit 1
3. The claimant's monthly housing expenses \$242. The claimant confirmed this amount at the hearing as correct.
4. When computing the claimant's FAP budget, the department gave the claimant a heat and utility standard allowance of \$555 which is also correct and the maximum allowance available.

5. The claimant's FAP group consists of one member.
6. The FAP budget as calculated by the department is correct. Exhibit 2.
7. On August 2, 2010, the Claimant filed a request for a hearing protesting the amount of her food assistance which request was received by the department but there is no date stamp on the hearing request to indicate when it was received.

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).

When determining eligibility for FAP benefits, the household's total income must be evaluated. All earned and unearned income of each household member must be included unless specifically excluded. BEM, Item 500. A standard deduction from income of \$132 is allowed for each household with one member. Certain non-reimbursable medical expenses above \$35 a month may be deducted for senior/disabled/veteran group members, the disability must be determined by a public, either Federal or State program. BEM 554. Another deduction from income is provided if monthly shelter costs are in excess of 50% of the household's income after all of the other deductions have been allowed, up to a maximum of \$300 for non-senior/disabled/veteran households. BEM, Items 500 and 554; RFT 255; 7 CFR 273.2. Only heat, electricity, sewer, trash and telephone are allowed deductions. BEM 554. Any other expenses are considered non-critical, and thus, not allowed to be deducted from gross income. In this case the Claimant received the Standard utility allowance of \$555 which is correct.

In this case, the Administrative Law Judge has reviewed the FAP budget and finds that the Department properly computed the claimant's gross income. The gross unearned income benefit amount must be counted as unearned income, which is \$1083 in the current case, before any deductions. BEM 500. This amount was verified by the claimant during the course of the hearing.

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The federal regulations at 7 CFR 273.10 provide standards for the amount of a household benefits. Claimant stated that her rent and housing expenses was \$242 per month. This was the amount the department used in calculating the budget. Claimant was given the standard utility allowance of \$555.

The Administrative Law Judge computed claimant as having a net income of \$903. The Department, in compliance with the federal regulations, has prepared issuance tables which are set forth at Bridges Reference Manual, Table 260. The issuance table provides that a household with household size of 1 and net income of the claimant is eligible for an FAP allotment of \$16. The Administrative Law Judge has reviewed the budget and found no errors.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, AFFIRMS the Department's decision with regard to the computation of the Claimant's FAP allotment.



Lynn M. Ferris
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 12/7/2010

Date Mailed: 12/7/2010

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 of the rehearing decision.

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