

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-45283
Issue No.: 3002
Case No.: [REDACTED]
Hearing Date: August 24, 2011
Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Susan C. 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 24, 2011 in Detroit, Michigan. Claimant appeared and testified. The Department of Human Services (Department) was represented by [REDACTED] Assistance Payments Worker.

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 household of four persons.
2. Claimant received \$1,763.00 in gross income per month which consisted of earned income from group members.
3. Claimant had an obligation for shelter, utilities and heat.
4. The Department determined that Claimant was entitled to \$428.00 in FAP benefits per month.

5. On June 24, 2011, Claimant requested a hearing, contesting the amount of the FAP grant.

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), which includes the Reference Tables (RFT).

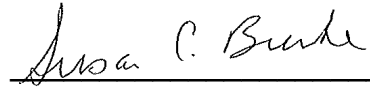
Eighty per cent of earned income is counted in determining FAP benefits. BEM 550. Under 7 CFR 273.9, as amended, \$152.00 is deducted from the gross income of FAP recipients in a household of four in determining FAP grants. Under 7 CFR 273.9 deductions for excess shelter are also made. BEM 554.

In the present case, according to the aforementioned policy on budgeting, Claimant had a net monthly income of \$800.00. This was obtained by subtracting the standard deduction of \$152.00 and the excess shelter amount of \$458.00 from eighty percent of the gross earned income of \$1,763.00. The amount of FAP benefits received for a group of four receiving net monthly income of \$800.00 is \$428.00. RFT 260. Claimant states that her family is having trouble making ends meet, and while I sympathize with Claimant, Department policy does not allow for changes in this instance.

Claimant also testified that she does not take money from her daughter whose income was considered in the calculation, but that is Claimant's choice. In addition, Claimant did not allege that Claimant's daughter lives separately from the group or does not share in the food purchasing and preparation, although Claimant states that sometimes her daughter eats by herself. Without additional proof that Claimant's daughter does not customarily share food in common with the group, I cannot find that Claimant's daughter's income should be excluded from the group. Based on the above discussion, I find that 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 FA P benefits, and it is therefore ORDERED that the Department's decision is AFFIRMED.



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

Date Signed: 8/29/11

Date Mailed: 8/29/11

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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