

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

IN THE MATTER OF:



Reg. No.: 2011-46953
Issue No.: 3015
Case No.: [REDACTED]
Hearing Date: September 1, 2011
DHS County: SSPC-East (97-98)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37, which govern the administrative hearing and appeal process, and Claimant's request for a hearing. After due notice, a telephone hearing was held on September 1, 2011, in Detroit, MI. Claimant appeared and testified at the hearing. [REDACTED], appeared and testified for the Department of Human Services (DHS).

ISSUE

Whether DHS denied Claimant's Food Assistance Program (FAP) application in accordance with DHS policies and procedures?

FINDINGS OF FACT

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

1. At all times pertinent to this matter, Claimant's gross income from the U.S. Social Security Administration was \$1,837.40 per month.
2. On July 6, 2011, Claimant applied for FAP benefits with DHS.
3. On July 14, 2011, DHS issued a Notice of Case Action denying Claimant FAP benefits due to excess income.
4. On August 4, 2011, Claimant filed a Request for a Hearing with DHS.

CONCLUSIONS OF LAW

FAP was established by the United States Food Stamp Act of 1977 and is implemented by Federal regulations contained in Title 7 of the Code of Federal Regulations. DHS administers FAP pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code Rules 400.3001-3015. DHS' policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables (RFT). These manuals are available online at www.michigan.gov/dhs-manuals.

The DHS manuals contain the policies and procedures DHS officially created for its own use. While the DHS policies and procedures are not laws created by the U.S. Congress or the Michigan Legislature, they constitute legal authority which DHS must follow. The manuals must be consulted in order to see what policies apply in this case. After setting forth what the applicable policies are, an analysis as to how they apply to the facts of this case will be presented.

BEM 500, "Income Overview," requires DHS to use gross income as the basis for calculating benefits. Also, RFT 250, "FAP Income Limits," requires DHS to use a maximum gross income of \$903 for a family group of one member. Clearly, Claimant's gross income is over the \$903 maximum income amount allowable in order for a customer to qualify for FAP. Accordingly, it is decided and concluded that DHS acted correctly in denying Claimant's FAP application based on Claimant's gross income.

In conclusion, based on the findings of fact and conclusions of law, it is decided and concluded that DHS is AFFIRMED in this matter, and no corrective action is required.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, states that DHS is AFFIRMED in this case. DHS need take no further action in this matter.



Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: September 7, 2011

2011-46953/JL

Date Mailed: September 8, 2011

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.

JL/pf

cc:

