

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 201149973
Issue No: 3003
Case No: [REDACTED]
Hearing Date: October 13, 2011
Washtenaw County DHS-20

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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, an in person hearing was held on October 13, 2011. The Claimant appeared and testified. The Department was represented by Karen Jackson (FIM).

ISSUE

Did the Department properly determine Claimant's Food Assistance Program ("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. Claimant was a recipient of FAP benefits.
2. Pursuant to reported changes by Claimant FAP benefits were recalculated resulting in a reduction of FAP benefits from \$200 to \$110 effective August 1, 2011.
3. Claimant requested a hearing on July 2, 2011 contesting the reduction of FAP benefits.
4. Claimant's employment income is through the [REDACTED] through the [REDACTED] foundation.

CONCLUSIONS OF LAW

The Food Assistance Program, 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”), formally known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Bridges Administrative Manual (“BAM”), the Bridges Eligibility Manual (“BEM”), and the Program Reference Manual (“PRM”).

In the present case, Claimant provided sufficient documentation that her earned employment income should be excluded pursuant to 42 USC 3056. Claimant is employed through the [REDACTED] foundation and is an enrollee of the [REDACTED], pursuant to federal regulation employment income from this program is excluded. The Department was incorrect to include that income. The Department shall recalculate Claimant’s FAP benefit removing that earned employment income.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department improperly calculated the Claimant’s FAP benefits. Accordingly, the Department’s determinations are REVERSED. Claimant’s FAP benefit shall be recalculated going back to the date of reduction removing the earned employment income from the Senior Community Service Employment Program. Any missed benefits shall be paid to Claimant in the form of a supplement.



Aaron McClintic
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: October 18, 2011

Date Mailed: October 18, 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.

AM/tg

cc:

