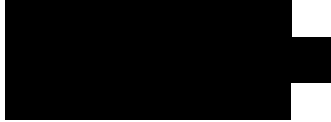


STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 2011-7932
Issue No.: 3015
Case No.: [REDACTED]
Hearing Date: December 16, 2010
SSPC-East (98)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 16, 2010. The claimant appeared and testified; [REDACTED] also appeared and testified on behalf of Claimant. On behalf of Department of Human Services (DHS), [REDACTED], Manager, appeared and testified.

ISSUE

Whether DHS properly determined Claimant o have excess income for Food Assistance Program (FAP) eligibility effective 10/2010.

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 applied for FAP benefits on 9/7/10.
2. As of 9/7/10, Claimant was part of a household that included Claimant and her daughter.
3. As of 9/7/10, Claimant received \$774/two weeks in unemployment compensation (UC) income; \$50/two weeks of the income was from the American Recovery and Reinvestment Act (ARRA).
4. As of 10/2010, Claimant's daughter received \$522/two weeks in unemployment compensation (UC) income (Exhibit 2), \$50/two weeks of the income was from the American Recovery and Reinvestment Act (ARRA).

5. Neither Claimant nor her daughter is a senior (over 60 years of age), disabled or a disabled veteran.
6. On 9/16/10, DHS determined that Claimant was eligible for \$12 of FAP benefits for 9/2010; DHS also determined that Claimant had excess income for FAP eligibility in 10/2010 and denied Claimant's FAP benefit application for 10/2010.
7. On 9/23/10, Claimant requested a hearing disputing the DHS denial of FAP benefits for 10/2010.

CONCLUSIONS OF LAW

The Food Assistance Program (formerly known as the Food Stamp 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 MCL 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 Reference Tables Manual (RFT). Updates to DHS regulations are found in the Bridges Policy Bulletin (BPB).

Claimant contends that she is entitled to receive FAP benefits. Claimant had no specific reason why she was entitled, only that she believed that she was. BEM 556 outlines the proper procedures for calculating FAP benefits.

The FAP calculation begins with determining the FAP group's countable monthly income. It was not disputed that Claimant receives \$774/two weeks in gross UC income. Claimant's daughter testified that as of 10/2010, she received \$522/two weeks in UC income. For all DHS programs, the \$25 federal weekly ARRA (\$50/two weeks) applied to UC benefits is to be excluded as income. BPB 2010-008. Thus, Claimant's countable UC income is \$724/two weeks in UC income; Claimant's daughter's countable income is \$472/two weeks in UC income.

DHS converts biweekly non-child support income into a 30 day period by multiplying the income by 2.15. BEM 505 at 6. Multiplying Claimant's countable biweekly income (\$724) by 2.15 results in a monthly countable income amount of \$1556 (dropping cents). Multiplying Claimant's daughter's countable biweekly income (\$472) by 2.15 results in a monthly countable income amount of \$1014 (dropping cents). The total amount of countable monthly income for the group is found by adding Claimant's and her daughter's income; that amount is found to be \$2570.

For groups without a senior, disabled or disabled veteran, the gross income of the group cannot exceed the gross income limits found in RFT 250. Claimant's FAP group does not have a senior, disabled or disabled veteran member. The gross income limit for a two person group is \$1579. Claimant's FAP group income (\$2570) exceeds the gross income limits for FAP benefits.

DHS actually calculated less income (\$2476) for Claimant's FAP group than the amount calculated by the undersigned. Though the undersigned is uncertain what income was used by DHS to calculate a gross monthly income of \$2476, Claimant would not be eligible for FAP benefits based on the amount calculated by DHS. It is found that DHS properly denied Claimant's application for FAP benefits effective 10/2010.

It should be noted that Claimant contended she was not issued \$12 in FAP benefits for 9/2010. DHS presented an Eligibility Summary (Exhibit 6) which shows that \$12 in FAP benefits was approved for Claimant for the benefit month of 9/2010. The problem for Claimant may be that she never received an Electronic Benefit Transfer (EBT) card which would allow her to access her FAP benefits. Claimant should contact DHS for information on how to receive her EBT card if it has not yet been received.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly denied Claimant's application dated 9/7/10 for FAP benefits with the denial to be effective for benefit month 10/2010. The actions taken by DHS are AFFIRMED.

Christian Gardocki

Christian Gardocki
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 12/21/2010

Date Mailed: 12/21/2010

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.

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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.

CG/jlg

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