

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-33284
Issue No.: 3003
Case No.: [REDACTED]
Hearing Date: [REDACTED]
County: Washtenaw

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on April 19, 2012, from Lansing, Michigan. Participants on behalf of Claimant included her mother-in-law [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED]
[REDACTED]

ISSUE

Did the Department properly denied Claimant's FAP application because Claimant was over the income limit?

FINDINGS OF FACT

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

1. On January 26, 2012, Claimant applied for FAP benefits.
2. On January 26, 2012, the Department denied Claimant's application indicating that she was over the income limit.
3. On February 8, 2012, Claimant filed a hearing request contesting the department's denial of FAP benefits.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

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 (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3001 through R 400.3015.

During the hearing, Claimant testified that her son was only working part-time and did not have [REDACTED] in earned income as indicated on the FAP-EDG Net Income Results. Claimant also stated that the department did not take her shelter expenses into account in determining her FAP eligibility. The department was unable to provide documentation of the pay stubs they used to calculate the [REDACTED] of earned income. The department also failed to provide the excess shelter budget. As a result, the department failed to prove that they had taken the proper actions in determining Claimant's FAP eligibility.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department did not act properly when they denied Claimant's FAP application.

Accordingly, the Department's FAP decision is AFFIRMED.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

Redetermine Claimant's FAP eligibility based on Claimant's January 26, 2012 application.

/s/ _____
Vicki L. Armstrong
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 4/24/12

Date Mailed: 4/24/12

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

VLA/ds

■ [REDACTED]