

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

**IN THE MATTER OF:**



Reg. No.: 20138713  
Issue No.: 3003, 5000  
Case No.: [REDACTED]  
Hearing Date: January 15, 2013  
County: Oakland County DHS

**ADMINISTRATIVE LAW JUDGE:** Gary F. Heisler

**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 January 15, 2013. Claimant appeared and testified. At the beginning of the hearing Claimant reported that the State Emergency Relief (SER) issue had been resolved and she did not require a hearing about her State Emergency Relief (SER) application. The State Emergency Relief (SER) portion of this case is dismissed.

**ISSUE**

Did the Department of Human Services properly determine Claimant's Food Assistance Program (FAP) eligibility on October 8, 2012?

**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 recipient of Food Assistance Program (FAP) benefits.
2. On October 8, 2012, the Department ran an updated financial eligibility budget to include Unemployment Compensation Benefits (UCB) Claimant was receiving. The budget showed that Claimant's current income required a reduction of her Food Assistance Program (FAP) benefits. Claimant was sent notice of the determination.
3. On October 17, 2012, Claimant submitted a request for hearing.

**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 1997 AACR 400.3001-3015.

In this case Claimant does not dispute that she is eligible for \$704 of Unemployment Compensation Benefits (UCB) every two weeks. Claimant testified that she does not actually receive that much because taxes are being held. Department of Human Services Bridges Eligibility Manual (BEM) 503 (2012) pages 26-27 specifically states the gross amount of Unemployment Compensation Benefits (UCB) are budgeted as unearned income. A detailed analysis of the evidence presented, applicable Department policies, and reasoning for the decision are contained in the recorded record. During the hearing Claimant was informed of the decision and the reasoning behind the decision.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above Findings of Fact, Conclusions of Law, and for the reasons stated on the record, finds that the Department of Human Services properly determined Claimant's Food Assistance Program (FAP) eligibility on October 8, 2012.

It is ORDERED that the actions of the Department of Human Services, in this matter, are **UPHELD**.

/s/ \_\_\_\_\_  
Gary F. Heisler  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: January 16, 2013

Date Mailed: January 16, 2013

**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.

GFH/hj

cc:

