

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-000740
Issue No.: 3001
Case No.: [REDACTED]
Hearing Date: May 7, 2014
County: Jackson

ADMINISTRATIVE LAW JUDGE: Darryl T. Johnson

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on May 7, 2014, from Lansing, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included Eligibility Specialist [REDACTED] and Family Independence Manager [REDACTED].

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) benefits?

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 on-going FAP recipient.
2. Claimant began working for [REDACTED] and reported his employment to the Department on March 14, 2014.
3. Claimant earned gross income of \$ [REDACTED] and \$ [REDACTED] in two consecutive bi-weekly periods. (Exhibit 1 Pages 2-3.)
4. The Department calculated Claimant's gross monthly income to be \$ [REDACTED] for purposes of the FAP budget. (Exhibit 1 Page 1.)
5. The monthly gross income limit for a non-S/D/V group of one is \$ [REDACTED]

6. Because Claimant's monthly gross income exceeded the limit, the Department mailed Claimant a Notice of Case Action (NCA) on March 28, 2014, informing Claimant that his FAP was closed effective May 1, 2014.
7. On April 4, 2014 the Department received Claimant's hearing request.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

When the Department calculates a FAP budget it takes into account, among many other factors, the earned and unearned income the Claimant receives, and costs of his medical care. RFT 250 (12/1/13) (Exhibit 1 Page 8) establishes a monthly gross income limit of \$1,245 for a group of one with no senior, disabled, or disabled veteran member. Claimant testified that he is a veteran of the National Guard, but there is no evidence that he has been found to be disabled. Consequently, his eligibility depends upon him meeting the income limits of Column A of RFT 250. Since he does not meet that income limit, he is not eligible.

It is not within the scope of the Administrative Law Judge's authority to create new guidelines, eligibility criteria, or deductibles that the Department is to use. The issues that can be decided are whether the Department followed policy with respect to each program, based upon the existing rules, laws, policies, etc.

The Claimant did not dispute the amounts used by the Department in his budget. There is no evidence that the Department erred in its calculation of Claimant's FAP benefits after taking into account his monthly earned income.

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it decreased Claimant's Food Assistance Program benefits.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



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

Date Signed: **5/8/2014**

Date Mailed: **5/8/2014**

DTJ / las

cc:

