

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

**IN THE MATTER OF:**

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████████████████████  
████████████████████

Reg. No.: 14-004738  
Issue No.: 3008  
Case No.: ██████████  
Hearing Date: July 29, 2014  
County: MUSKEGON

**ADMINISTRATIVE LAW JUDGE: Aaron McClintic**

**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, an in person hearing was held on July 29, 2014, from Muskegon Heights, Michigan. Participants on behalf of Claimant included Claimant and Claimant's Authorized Hearing Representative ██████████. Participants on behalf of the Department of Human Services (Department) included ██████████ and ██████████.

**ISSUE**

Did the Department properly determine Claimant's 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 a recipient of Food Assistance Program benefits receiving \$497 per month.
2. On May 1, 2014, Claimant submitted redetermination forms.
3. Claimant has \$██████ per month earned income.
4. Claimant receives \$██████ unearned income in the form of child support.
5. Claimant pays \$██████ rent per month and is responsible for utilities.
6. Claimant has ██████████ in her care.

7. The Department after budgeting income and expenses determined that Claimant's FAP benefits should be \$ [REDACTED] per month beginning July 1, 2014.
8. Claimant requested hearing on June 9, 2014, contesting the determination of Food Assistance Program benefits.

### 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 273. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001 to .3015.

Additionally, at hearing, Claimant did not dispute the income or expense amounts or any factors used in determining her Food Assistance program benefits but just wanted an independent review to be completed to determine if the benefit amount was correct. This Administrative Law Judge reviewed the budgeting as outlined below.

The federal regulations define household income to include all earned income. 7 CFR 273.9(b). All monthly income must be converted to a non-fluctuating monthly amount. Only 80% of earned income is counted in determining FAP benefits. BEM 550. Under 7 CFR 273.9, as amended, \$ [REDACTED] is deducted from the gross income of FAP recipients in determining FAP grants.

In the present case, Claimant has \$ [REDACTED] earned income and \$ [REDACTED] unearned income from child support. Following the earned income deduction and the standard deduction of \$ [REDACTED] was taken resulting in adjusted income of \$ [REDACTED]. Claimant qualified for an excess shelter deduction of \$ [REDACTED] as her shelter expenses \$ [REDACTED] was in excess of \$ [REDACTED] ( [REDACTED] percent of \$ [REDACTED] income after prior deductions were made.) by \$ [REDACTED]. Subtracting \$ [REDACTED] from \$ [REDACTED] results with \$ [REDACTED]. The Food Assistant Issuance Table shows \$ [REDACTED] in benefit for \$ [REDACTED] net income for a household of 3. RFT 260 This is the amount determined by the Department and it is proper and correct.

The Administrative Law Judge, based on 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 determined Claimant's Food Assistance Program Benefits.

**DECISION AND ORDER**

Accordingly, the Department's decision is  AFFIRMED.



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

Date Signed: 7/31/14

Date Mailed: 8/1/14

**NOTICE OF APPEAL:** A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The party requesting a rehearing or reconsideration must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-07322

AM/tb

cc:

[Redacted list of recipients]