

**THE OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA**

,
Petitioner,

DHS,
DIVISION OF FAMILY AND
CHILDREN SERVICES,
Respondent.

: DOCKET No.:
: OSAH-DFCS-FSP-
: Walker-Russell
:
: Agency Reference No.:
:
:
:



SEP 24 2013

Jenna Judy
Jenna Judy, Legal Assistant

INITIAL DECISION

Appearances: For Petitioner:
For Respondent: Anjanette Jones, Medicaid Eligibility Specialist

I. INTRODUCTION:

Petitioner, _____, appeals the decision of the Georgia Department of Human Resources ("Respondent") that his income exceeds the limit for Food Stamp benefits. The parties were provided an opportunity to present sworn testimony and documentary evidence at the hearing held on September 20, 2013. For the reasons stated herein, Respondent's decision is **AFFIRMED**.

II. FINDINGS OF FACT:

The Administrative Law Judge has carefully considered the entire available evidence, and based upon the preponderance of the relevant and credible evidence in this case, makes the following findings of fact:

1.

On June 12, 2013, Petitioner applied for Food Stamp benefits. In order to determine whether Petitioner meets the income limit for Food Stamp benefits, Respondent needed to verify Petitioner's earned and unearned income. Petitioner provided Anjanette Jones (Caseworker) with an award letter verifying that he receives monthly social security benefits in the amount of \$1,121.50. Petitioner also works part-time at Cracker Barrel and told the caseworker that he was not able to get the verification of his income from Cracker Barrel and would need her assistance to obtain the documentation. (*Testimony of Anjanette Jones; Testimony of Petitioner; Respondent's Exhibit R-3*).

2.

On or around June 12, 2013, the caseworker faxed a form to Petitioner's employer, Thomas and Thorngren, requesting (4) check stubs to verify Petitioner's earned income. However, on June 18, 2013,

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Thomas and Thorngren provided the caseworker with only two (2) check stubs, indicating that Petitioner earned \$220.03 on June 6, 2013, and \$202.79 on June 13, 2013. (*Testimony of Anjanette Jones; Respondent's Exhibit R-1*).

3.

On July 3, 2013, the caseworker denied Petitioner's application for Food Stamp benefits because Petitioner did not provide the four (4) check stubs requested to verify his income. After receiving notice of the denial of his Food Stamps application, Petitioner met with the caseworker's supervisor, who reopened Petitioner's case on July 24, 2013, to allow Petitioner to submit additional check stubs to verify his income. Petitioner provided two (2) additional check stubs indicating that Petitioner earned \$270.01 on June 20, 2013, and \$205.49 on June 27, 2013. Combined with the two (2) check stubs previously submitted by Thomas and Thorngren, Petitioner's income from Cracker Barrel for June 2013, was \$220.03, \$202.79, \$270.01, and \$205.49, for a total of \$898.32. (*Testimony of Anjanette Jones; Testimony of Petitioner; Respondent's Exhibits R-1 and R-2*).

4.

Respondent properly determined Petitioner's Total Gross Income of \$2,094.60 using the following steps:

Unearned income:	\$1,121.50 (Social Security)
Earned income:	\$898.32 divided by 4 = \$224.58
	$\$224.58 \times 4.333 = \mathbf{\$973.10}$ (Petitioner's Total Gross earned monthly income)
Combined:	$\$973.10 + \$1,121.50 = \mathbf{2,094.60}$ (Total Gross Income)
	(<i>Testimony of Anjanette Jones; Respondent's Exhibit R-4</i>).

5.

The maximum gross monthly income limit for Food stamp assistance for a household unit of one (1) is \$1,862.00. (*Basis of Issuance Table, Effective October 1, 2012*). Petitioner's Total Gross income of \$2,094.60 exceeds the gross income limit of \$1,862.00 (200% of the poverty level). (*Testimony of Anjanette Jones*).

6.

Petitioner argues that his June 12, 2013, Food Stamp Application should have been granted. Specifically, if Respondent had used his check stubs from May 2013, instead of June, 2013, his Total Gross income would not have exceeded the gross income limit of \$1,862.00. However, to date, Petitioner has only provided Respondent with check stubs from June, 2013. Accordingly, I find Petitioner's argument to be unpersuasive.

III. CONCLUSIONS OF LAW:

1.

As the applicant, Petitioner has the burden of proof in this matter. OSAH Rule 07(1)(d). The standard of proof on all issues before OSAH is the preponderance of the evidence standard. OSAH Rule 21(4).

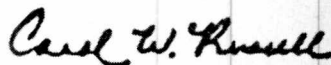
2.

In this matter Petitioner's Gross monthly income \$2,094.60 exceeds the gross income limit of \$1,862.00. Therefore, Respondent correctly determined that Petitioner is not eligible for Food Stamp Assistance at this time. However, Petitioner may reapply for food stamp benefits if his circumstances change and he is in need of such support services.

IV. INITIAL DECISION:

For all of the foregoing reasons, Respondent's decision that Petitioner's income exceeds the limit for Food Stamp benefits is **HEREBY AFFIRMED**.

SO ORDERED, September 24, 2013



CAROL WALKER-RUSSELL
Administrative Law Judge