

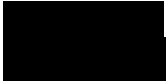

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Claimant

Reg. No. 2008-27780
Issue No. 3002
Case No. 
Load No. 
Hearing Date:
October 16, 2008
Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on October 16, 2008. The Claimant personally appeared and testified.

ISSUE

Did the Department properly compute the Claimant's Food Assistance (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. The Claimant is a FAP recipient.

2. On [REDACTED], the Department ran a FAP budget for the Claimant. (Department's Exhibit 1).
3. The Claimant's rent of [REDACTED] includes heat.
4. On [REDACTED], the Department notified the Claimant that her FAP was to be reduced to [REDACTED] per month.
5. On [REDACTED], the Claimant filed a request for a hearing.

CONCLUSIONS OF LAW

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 of Human Services (formerly known as the Family Independence Agency) administers the FAP program pursuant to MCL 400.10, et seq., and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

In the instant case, the Claimant questions the benefit allowed.

A FAP group which has a heating/cooling (including a room air conditioner) expense or contributes to the heating/cooling expense separate from rent, mortgage or condominium /maintenance payments, must use the Heat and Utility Standard. This standard covers all heat and utility costs, except **actual utility expenses, i.e. installation fees** etc. (See [Actual Utilities](#) in this item.) Do **not** prorate the Heat and Utility Standard even if the heating/cooling expense is shared. (PEM 554, p. 11).

The undersigned has reviewed the budget with the Claimant and finds that the Claimant's heating expenses are included in her rent and the FAP benefit of [REDACTED] per month to be correct.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, AFFRIMS the Department's actions in the instant case.

/s/ _____
Michael J. Bennane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: _____

Date Mailed: _____

NOTICE: Administrative Hearings 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. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 60 days of the filing of the original request.

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

MJB

cc: _____

