

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Claimant

Reg. No: 2009-10761  
Issue No: 3015  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
March 11, 2009  
Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on March 11, 2009. Claimant personally appeared and testified.

ISSUE

Did the department correctly take action to terminate claimant's Food Assistance Program (FAP) benefits in December, 2008?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. Claimant was receiving FAP benefits when the department received an application for Medicaid benefits from [REDACTED] claimant's son who was active on his FAP case.

2. The application indicated that [REDACTED] was employed, but the caseworker did not notice that he was no longer living with the claimant, but at a different address.

3. Claimant's caseworker then completed a FAP budget on December 19, 2008, counting [REDACTED] employment income at [REDACTED] under claimant's name, and also counting employment income of claimant's wife and daughter.

4. This FAP budget resulted in excess income and department took action to terminate claimant's benefits as of December 31, 2008. Claimant requested a hearing on December 29, 2008, and department deleted FAP negative action on December 30, 2008.

5. Department also took action to remove [REDACTED] from claimant's FAP case on January 24, 2009.

#### 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 (DHS or department) 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).

Departmental policy states that a FAP group consists of people living together, in addition to other requirements. PEM, Item 212, p. 1. Claimant's son [REDACTED] was not living with the claimant and therefore should not have been included along with his income in the FAP budget department completed in December, 2008. This error has been corrected by the

department prior to the hearing. In addition, claimant testified that his daughter no longer works. Department's representatives stated that the claimant will need to provide verification that his daughter's income has stopped. Claimant will be given a Verification Checklist, DHS-3503, along with any employment verification forms if needed, following the conclusion of the hearing. This Administrative Law Judge explained to the claimant that he will be given 10 days to return this verification in accordance with departmental policy, and that he must call his caseworker prior to the expiration of the 10 days if he needs an extension of time. Claimant states he understands what he is to do and has no other issues to be addressed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the issue at hand for this hearing has been resolved by the department prior to the hearing.

Accordingly, claimant's hearing request is **HEREBY DISMISSED**, as he is no longer aggrieved by department's action. **SO ORDERED.**

/s/

\_\_\_\_\_  
Ivona Rairigh  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: March 12, 2009

Date Mailed: March 13, 2009

**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.

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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.

IR

cc:

[REDACTED]