

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: 2009-11284
Issue No: 3002
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 12, 2009
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Tyra L. Wright

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 hearing was held on March 12, 2009. Claimant personally appeared and testified. An eligibility specialist and a family independence manager represented the Department of Human Services (Department).

ISSUE

Is Claimant entitled to a hearing when the Department has taken no negative action against his Food Assistance Program (FAP) benefits?

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 is a FAP benefits recipient. His group size is one.
- (2) Claimant told the Department that he had received a letter stating that he would be receiving social security income.

- (3) The Department worker told Claimant to expect that, starting in April 2009, his social security income would be included in his FAP budget.
- (4) At the time of the hearing, the Department did not know the amount of social security income Claimant is receiving. Therefore, the Claimant's FAP budget has not changed.
- (5) Claimant's monthly FAP allotment is currently [REDACTED]
- (6) Claimant requested the hearing for clarification on why he received the letter regarding his social security income. The Department was not the source of the letter and did not send the letter to Claimant.
- (7) The Department received a hearing notice on January 12, 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 (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).

The state administrative rules state that an opportunity for an administrative hearing shall be granted to an applicant who requests a hearing because her claim for public assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by a Department action resulting in the suspension, reduction, discontinuance or termination of public assistance. MAC R 400.903(1). Department policy further states that a request for a

hearing may be granted to any recipient who is aggrieved by a Department action resulting in restrictions under which benefit services are provided, any action beyond standards of promptness, and expunction or amendment of a child abuse/neglect central registry or local office record. PAM Item 600.

In this case, the Department has not taken any negative action involving Claimant's FAP benefits. The Department simply advised Claimant that his monthly benefit allotment could change based on increased income. Consequently, it is found that Claimant is not aggrieved by a Department action. Since Claimant is not aggrieved by any Department action, his hearing request must be dismissed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Claimant is not entitled to a hearing because he is not aggrieved by any Department action.

Accordingly, the Claimant's hearing request is **DISMISSED**.

/s/
Tyra L. Wright
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 3/19/09

Date Mailed: 3/20/09 dj

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.

2009-11284/TW

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.

TW/dj

cc:

