

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: 2009-11668
Issue No: 3002
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 9, 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 April 9, 2009. Claimant personally appeared and testified. The Department was represented by a family independence manager.

ISSUE

Did the Department improperly calculate Claimant's Food Assistance Program (FAP) budgets starting in April 2008 by failing to include her shelter expense?

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 recipient with a group size of three. She receives \$437 in monthly benefits. (Exhibit pgs. 15-16).
- (2) Claimant moved to [REDACTED] on [REDACTED]. (Exhibit pgs 2-14, Lease Agreement).

- (3) Claimant and the Department contend that Claimant reported this move to the Department.
- (4) Claimant contends that in April 2008, she provided her caseworker with a copy of her lease agreement.
- (5) The Department witness contends that the Claimant's caseworker, at the time, did not receive verification of her shelter expense.
- (6) Claimant asserted that she provided her lease agreement in April 2008 and again in January 2009 when her caseworker told her that the Department did not have verification of her shelter expense.
- (7) On January 15, 2009, the Department received a copy of the Claimant's lease agreement for [REDACTED] (Exhibit pgs. 2-14). (Claimant has since moved to [REDACTED]).
- (8) The lease agreement states that Claimant leased [REDACTED] for a one-year term that started on [REDACTED] for a monthly payment of [REDACTED]. (Exhibit pg. 2).
- (9) Claimant's Department caseworker during the period at issue did not participate in this hearing.
- (10) The Department received Claimant's hearing request on January 28, 2009. (Exhibit p. 17).

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).

DEPARTMENT POLICY

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Obtain verification when:

Required by policy. PEM items specify which factors and under what circumstances verification is required.

Required as a local office option. The requirement **must** be applied the same for every client. Local requirements may **not** be imposed for MA, TMA-Plus or AMP without prior approval from central office.

Information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. The questionable information might be from the client or a third party. (PAM 130, pg. 1)

SHELTER EXPENSES

Allow a shelter expense when the FAP group has a shelter expense or contributes to the shelter expense. Do **not** prorate the shelter expense even if the expense is shared. Shelter expenses are allowed when billed. The expenses do **not** have to be paid to be allowed.

Late fees and/or penalties incurred for shelter expenses are **not** an allowable expense. (PEM 554, p. 9).

Under PAM 130, when verification is sought, the client must be told “what verification is required, how to obtain it and the due date.” Under PEM 554, the cost of shelter is an allowable expense.

In this case, it is found that Claimant was told to submit shelter verification. Her testimony that she provided a copy of her lease agreement in April 2008 is found to be credible. Therefore, it is found that the Department should have included her accurate shelter cost in her FAP budgets starting in April 2008.

