

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: 2009-12181
Issue No: 3002; 3003; 3012
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 18, 2009
Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 18, 2009.

ISSUES

- (1) Was the claimant's FAP allotment computed and allocated correctly?
- (2) Should the claimant's allocation have been raised for the month of February when claimant reported an income change at the end of January?

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 a Food Assistance Program (FAP) allotment budget of [REDACTED].

(2) In January, claimant's FAP was recertified, taking into account claimant's prospective income from a New Hire Employment Notice.

(3) Claimant's FAP allocation was reduced to [REDACTED]

(4) Claimant filed for hearing on 1-23-09, alleging that DHS incorrectly computed her budget, and therefore, allocated the wrong amount of FAP benefits.

(5) On [REDACTED], claimant notified DHS that she had been fired from her job on [REDACTED].

(6) Another FAP budget was run using the new numbers, which restored claimant's FAP budget to the previous amount of [REDACTED], but claimant's reduced FAP allotment was not affected until the March allotment month.

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).

When determining eligibility for FAP benefits, the household's total income must be evaluated. All earned and unearned income of each household member must be included unless specifically excluded. PEM, Item 500. A standard deduction from income of \$135 is allowed for each household. Certain non-reimbursable medical expenses above \$35 a month may be deducted for senior/disabled/veteran group members. Another deduction from income is

provided if monthly shelter costs are in excess of 50% of the household's income after all of the other deductions have been allowed, up to a maximum of \$300 for non-senior/disabled/veteran households. PEM, Items 500 and 554; RFT 255; 7 CFR 273.2.

In this case, the Administrative Law Judge has reviewed the FAP budget and finds that the department properly computed the claimant's net income. The gross employment amount has been verified at [REDACTED], by claimant's own reporting. PEM 500. Claimant testified that her rent was [REDACTED], and all utilities were included in that price. The federal regulations at 7 CFR 273.10 provide standards for the amount of a household's benefits. The department in compliance with the federal regulations has prepared issuance tables which are set forth at Program Reference Manual, Table 260. The issuance table provides that a household with household size and net income of the claimant is eligible for an FAP allotment of [REDACTED]. The Administrative Law Judge has reviewed the budget and found no errors. Claimant herself was unable to point out specifically what parts of the budget he felt were in error. Therefore, the undersigned finds that the FAP allotment was computed correctly.

Claimant stated at the hearing that because she lost her job on [REDACTED], and did not have the reported income for the month of February, she felt that her FAP budget should have been reallocated to its previous amount for February. PAM 220 states:

You must act on a change reported by means other than a tape match within 10 days after you are aware of the change.

Benefit Increases: Changes which result in an increase in the household's benefits must be effective no later than the first allotment issued 10 days after the date the change was reported, provided any necessary verification was returned by the due date.

In the current case, 10 days after the date the change was reported was 2-9-09. The first allotment date after that would be in March. Therefore, the Department was not in error when it did not increase claimant's FAP allotment until March.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's decision to reduce the claimant's FAP allotment to [REDACTED] was correct. The Department was not in error when it did not increase claimant's FAP allotment to its previous levels until March.

Accordingly, the Department's decision is AFFIRMED.

/s/

Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 24, 2009

Date Mailed: March 25, 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.

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.

RJC/cv

cc:

[REDACTED]