

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: 2009-12207

Issue No: 3002

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

March 31, 2009

Kent 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 31, 2009. Claimant personally appeared and testified.

ISSUE

Did the department issue the claimant all of the Food Assistance Program (FAP) benefits he was entitled to for February and March, 2009?

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 applied for FAP benefits on December 2, 2008. A FAP budget was completed by the department based on no income or expenses, as that is what was reported by the claimant on his application.

2. On December 17, 2008, claimant received a computer report indicating that the claimant started receiving UCB. A new FAP budget was completed for January, 2009 with UCB income, which resulted in a FAP benefit decrease from [REDACTED] per month.

3. Department took action to reduce claimant's FAP benefits effective December 30, 2008. Claimant requested a hearing on December 30, 2008, but his FAP benefits were reduced for January, 2009.

4. Claimant notified the department that he was paying child support, and these expenses were verified by the department on January 6, 2009. A new FAP budget was completed that resulted in a [REDACTED] FAP benefit.

5. Department had issued the claimant only [REDACTED] in FAP benefits for January, 2009, but then also issued a [REDACTED] supplement to compensate him for the [REDACTED] FAP benefit he should have received for January, 2009.

6. A computer screen of January 6, 2009, provided by the department for the hearing shows claimant's FAP amount as increased to [REDACTED]. However, claimant testified that he has only received [REDACTED] per month for February and March, 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).

Claimant does not contest the amount of UCB income that the department budgeted, or the amount of child support. Claimant is objecting only to not receiving [REDACTED] per month in FAP benefits as he was notified he would receive, and also told in a pre-hearing conference held on January 6, 2009, he would receive.

Departmental staff present at the hearing performed a computer inquiry to establish what amount of FAP benefits claimant indeed received for February and March, 2009. This computer inquiry reveals that claimant's FAP benefits were indeed not increased for February, 2009, even though there is a computer screen that shows they were. It is noted that the department is implementing a new computer system state-wide. This may have lead to some computer problems and caused the computer transaction completed to increase claimant's benefits not to actually be in effect. Departmental staff state that claimant will be issued a FAP supplement for February and March, 2009, and that his FAP benefits will be increased for April, 2009.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did not issue the claimant all of the FAP benefits he was entitled to receive for February and March, 2009.

Accordingly, department's action is REVERSED. Department shall:

1. Issue the claimant supplemental FAP benefits for February and March, 2009, based on the difference of what he received and what he should have received.
2. Enter the increase in FAP benefits for April, 2009 and insure that the claimant receives such increased benefits for this month.

SO ORDERED.

/s/

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

Date Signed: April 6, 2009

Date Mailed: April 8, 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.

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