

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Claimant

Reg. No: 200912212

Issue No: 3002

Case No:



Load No:

Hearing Date:

March 31, 2009

Kent County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 31, 2009. Claimant appeared and testified.

ISSUE

Did the Department of Human Services determine the proper amount of claimant's 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 was an ongoing recipient of Food Assistance Program (FAP) benefits. Income for claimant's benefit group consisted of sick pay claimant was receiving and earned income of claimant's wife for Child Development and Care (CDC) payments through the department.

(2) On January 14, 2009, the department caseworker became aware that claimant's wife's income had increased. The caseworker ran a new financial eligibility budget and sent claimant notice his Food Assistance Program (FAP) benefits would be reduced.

(3) On January 22, 2009, claimant submitted a request for hearing.

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 claimant submitted his request for hearing, he did not provide any narrative to reveal his concerns. At the hearing claimant raised two separate concerns. First, was his concern about the amount of his wife's income used in the budget. Claimant testified that her income was only up temporarily due to the holiday season. Review of the budget and [REDACTED] child care payments revealed that the payments used in the new financial eligibility budget did not reflect the temporary increases from the holidays. Claimant stated he understood the amounts used in the budget and does not think anything is incorrect.

Claimant's other concern was the sick pay used in the budget. Claimant testified that the sick pay ended during December. Through further discussion and testimony, it was determined that the reduction of income had not been reported to the department at the time the budget was run. Claimant stated he understood why the sick pay income had been included and did not feel

it was incorrect. Claimant and the caseworker agreed to get the budget updated to reflect the loss of sick pay.

Claimant's two concerns were resolved and no fault was found with the department's action.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services determined the proper amount of claimant's Food Assistance Program (FAP) benefits.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHELD.

/s/

Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 3, 2009

Date Mailed: April 6, 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.

GFH [REDACTED]

cc:

[REDACTED]