

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: 2009-15898

Issue No: 3003

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

May 14, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 May 14, 2009. Claimant appeared and testified.

ISSUE

Did the Department properly calculate Food Assistance Program benefits?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as a material fact:

1. On December 11, 2008 new FAP budget was completed to include the Claimant's new husband who was receiving UCB.
2. On December 11, 2008- notice of FAP amount.
3. On December 22, 2008 Requested 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) 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).

In the present case Claimant disputes the reduction in FAP benefits. The Department did in fact run a budget which reflected the changes in circumstances. The Department acted on information it received. The Department however failed to request any additional verification or clarification regarding income for the Claimant prior to making changes to the FAP budget. The Claimant's household had several changes including the loss of income from her self employment. The Department obtained information but found it to be incomplete. Instead of clarifying the issue the Department utilized previous month's income to determine the new budget.

The Claimant also challenged the amount of Child Support payments being made by her new husband. The Claimant indicated that her husband was paying more in Child Support than what had been budgeted.

Relevant policy can be found at PAM Item 130, p.2-3:

Obtaining Verification

All Programs

Tell the client what verification is required, how to obtain it, and the due date. Use the DHS-3503, Verification Checklist, or for MA redeterminations, the DHS-1175, MA Determination Notice, to request verification.

Use the DHS-3503C, Verification Checklist for Citizenship/Identity to request documentation of citizenship or identity for Medicaid determinations.

The client must obtain required verification, but you must assist if they need and request help.

If neither the client nor you can obtain verification despite a reasonable effort, use the best available information. If **no** evidence is available, use your best judgment.

Verification Sources

All Programs

“**Verification Sources**” of each PEM item lists acceptable verifications for specific eligibility factors. Other, less common sources may be used **if** accurate and reliable.

Use a particular source **if** it is the most reliable (e.g., public records). Otherwise, use the one easiest to obtain.

The Department failed to request additional verification to determine the Claimant’s household income.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services was not acting in compliance with Department policy.

Accordingly, the Department’s decision is REVERSED and the Department is ORDERED to re-determine Claimant’s FAP benefits after requesting additional verification if necessary of the Claimant’s income and child support payments and supplement the Claimant for any loss in FAP benefits if any.

/s/

Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 6/11/09_____

Date Mailed: 6/16/09_____

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.

JWO/at

cc:

[REDACTED]