

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.: 2009-16589
Issue No.: 3002
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
April 20, 2009
Wayne County DHS (76)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on April 20, 2009. The Claimant personally appeared and testified.

ISSUE

Did the Department correctly calculate the Claimant's Food Assistance (FAP), benefits?

FINDINGS OF FACT

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

- (1) The claimant is a FAP recipient. The group size is one (1).
- (2) On February 12, 2009, the Department ran a FAP budget as part of a review. The budget provided for a monthly FAP benefit of \$51.00.
- (3) On February 12, 2009, the Department sent the Claimant a notice of the amount of her FAP benefit. (Department exhibit 1).

- (3) On February 14, 2009, the Claimant filed a request for a hearing contesting the \$51.00 benefit.

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).

RETIREMENT INCOME-OTHER

All Programs

Refer to the specific sections in this item for policies regarding:

Railroad Retirement Board benefits. Retirement, Survivors and Disability Insurance (RSDI). U.S. Civil Service and Federal Employee Retirement System.

Other retirement income includes annuities, private pensions, military pensions, and state and local government pensions.

Count the gross benefit as unearned income. (PEM 500, p. 30).

In the instant case, the Claimant questions the amount of her FAP allotment. The Claimant has a gross income of \$1,232.40 per month from RSDI. This was an increase from \$1,137.50 previously provided under RSDI.

The department was unable despite this ALJ's request to produce a FAP budget for the claimant. This ALJ finds that the claimant's FAP benefit was reduced due to the increase in her RSDI benefit.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, AFFIRMS the Department's reduction of the claimant's FAP in the instant case.

/s/

Michael J. Bennane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 05/26/09

Date Mailed: 05/26/09

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.

MJM/jlg

cc:

