

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: 2009-19342
Issue No: 3002; 3003
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 21, 2009
Kalamazoo 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 May 21, 2009. Claimant personally appeared and testified.

ISSUE

Did the department correctly compute the amount of Food Assistance Program (FAP) benefits in March, 2009 that the claimant was entitled to receive?

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 a FAP recipient when her case came due to a review.
2. Department computed a new FAP budget based on claimant's RSDI of \$1,012.00 per month, mortgage expenses of \$391.96 based on [REDACTED] statement claimant provided, and heat/electric standard.

3. Department's budget resulted in reduction of claimant's FAP benefits effective April 1, 2009. Claimant requested a hearing on April 3, 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 RSDI department used on her FAP budget. Claimant however, states that her mortgage payments are now higher than \$391.96 per month. Claimant was advised that she must provide verification of the change in her mortgage payments in order for the department to consider them on the FAP budget, and she states she will do so. It was also explained to the claimant what kind of expenses department can use on the FAP budget, those being medical expenses over \$35 per month (as claimant is senior/disabled), day care expenses, child support payments, and shelter expenses. BEM 554. Claimant states she does have medical expenses and was told to provide those to her caseworker also. Claimant does not have any day care or child support expenses. Claimant pays for heat/electric and was given heat/utility standard for such expenses.

At the conclusion of the hearing the claimant states she now understands the FAP budget and what expense verification she needs to provide to the department.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly computed the amount of FAP benefits in March, 2009 that the claimant was entitled to receive.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

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

Date Signed: May 26, 2009

Date Mailed: May 27, 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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