

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.: 2009-21153  
Issue No.: 3002  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date:  
June 1, 2009  
Oakland County DHS (2)

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 June 1, 2009. The Claimant personally appeared and testified.

ISSUE

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

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 was an ongoing FAP recipient. The group size is one.
- (2) On February 24, 2009, the Department ran a series of FAP budgets because it discovered that the claimant was being credited with medical expenses that she had not incurred.
- (3) On February 24, 2009, the department sent the claimant a notice of its intention to recoup the FAP overages received by the claimant due to the department error.

(4) On March 19, 2009, the Claimant filed a request for a hearing contesting her FAP 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 Tables (PRT).

The Claimant questions the amount of the FAP allotment and the recoupment. In months that the claimant did not incur excess medical expenses the claimant has a net income of \$804.00 per month. This was obtained by subtracting the standard deduction allowed at the time of the overissuance of \$125.00 from the gross income of \$929.00.

The amount of a monthly FAP allotment is established by regulations at 7 CFR 273.10. A household of two persons with a net monthly income of \$804.00 was entitled to a monthly FAP grant of \$10.00 per month. (RFT 260, p. 8)

This ALJ has reviewed the recoupment proposed and finds it accurate. In addition, this ALJ finds that the department was correct in its calculation of the claimant's FAP and of the calculation of the overissuances.

#### DECISION AND ORDER

The Administrative Law Judge based on the above findings of fact and conclusions of law, AFFRIMS the Department's actions finding that the claimant is receiving the correct

monthly FAP allotment and that the department is correct in its recoupment calculations.

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

Date Signed: 08/11/09

Date Mailed: 08/12/09

**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.

MJB/jlg

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