

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: 2009-22329
Issue No: 3002; 3003
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 17, 2009
Genesee 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 June 17, 2009. Claimant personally appeared and testified.

ISSUE

Did the department correctly compute the amount of Food Assistance Program (FAP) benefits 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. Department's Hearing Summary states that the issue is a "FAP increase from 133.00 to 140.00" effective April 11, 2009.
2. Hearing Summary explanation further states that "upon review of the case 5/14/09, this specialist ran the budget through Bridges to see if everything had been converted

correctly. Upon review of the case, this specialist realized that the customer had not provided current proof that he was paying child support at case review, and so Bridges new fap amount is 28.00 which will likely increase once the customer provides this agency with current proof that he is paying child support.”

3. FAP budget provided as one of department’s exhibits is dated March 30, 2009, shows a child support expense amount of \$258, and lists as claimant’s monthly FAP benefits \$116.00 (Department’s Exhibit #1).

4. Eligibility Notice dated March 30, 2009, advises the claimant that his FAP benefit will be \$116 effective 04/2009, due to RSDI increase \$580, SSI \$114 and State Supplement Income (Department’s Exhibit #1).

5. Computer printout dated March 30, 2009, shows claimant’s FAP benefit to be \$116 (Department’s Exhibit #1).

6. Social Security Administration letter dated October 30, 2007, states that SSA has been ordered to take \$216.67 from each monthly payment claimant is due for his child support and/or alimony obligation (Department’s Exhibit #2).

7. Claimant requested a hearing on April 17, 2009, and appears to have received \$157 for April, 2009 and \$140 for May, 2009 in FAP benefits, according to the Bridges printout (Department’s Exhibit #3).

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).

As shown in the above statements of fact, department's documentation was contradictory and confusing. Claimant's caseworker testified that claimant's case was due for review in November, 2008 and that she sent the claimant a Verification Checklist on November 6, 2008, telling him that she needed proof of his current child support payments. According to the caseworker, claimant did not provide such proof so a new budget was completed without the child support obligation, resulting in proposed reduction of FAP benefits to \$28 per month. Claimant responded that he indeed had dropped off verification of child support at the local office in November, 2008, these were original papers, and he has been trying to get the originals back for some time now. Claimant also stated that he had tried to call his caseworker on numerous occasions, and had also called her supervisor, with no response from either.

Claimant's caseworker was asked why she input \$258 as claimant's child support obligation in the March, 2009 budget, when the only documentation of this obligation provided for the hearing is the SSA letter from 2007 stating that child support is \$216.67 per month. Caseworker then shuffled through the case record, as she also had to do to respond to questions about when the claimant was asked to provide such verification. This Administrative Law Judge offered to take a brief recess in order for the caseworker to have the opportunity to organize her information, but she refused stating that she knew this information. However, when the Administrative Law Judge then attempted to proceed with her questions in order to determine what transpired, the caseworker could not readily respond to the questions and stated that the Judge was "badgering" her. The caseworker did state during the hearing that the claimant will

have to pay back the FAP benefits he was overpaid, even though she could not explain what was exactly done on his case.

The Administrative Law Judge also asked claimant's caseworker to check and see if her supervisor was available to respond to claimant's testimony that he had contacted him about the child support paperwork he allegedly dropped off in November, 2008. Claimant's caseworker checked and informed that her supervisor was "not available", even though he was apparently in the office. Claimant's uncontested testimony is therefore found to be credible.

Problems with this hearing issue include many discrepancies in the Hearing Summary, documentation that does not support actions taken on claimant's case (i.e. showing FAP amount of \$116 when the Hearing Summary shows it as \$140), and caseworker's inability to present the information in an organized manner and respond to questions as to how certain conclusions were derived at (such as where the child support amount of \$258 per month on the March 30, 2009 budget came from). This Administrative Law Judge finds claimant's testimony that he provided verification of his child support income in November, 2008, and that this verification was somehow lost/misplaced once it was dropped off at the local office credible. Claimant was advised to obtain additional verification from SSA regarding his child support and provide it to his caseworker as soon as possible, and he stated he would do so.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department incorrectly computed claimant's FAP benefits when his child support obligation was removed, resulting in proposed FAP decrease to \$28 per month.

Accordingly, department's action is REVERSED. Department shall:

1. Obtain current child support obligation verification from the claimant or SSA sources, if possible.
2. Compute a new FAP budget upon receipt of such verification.
3. Notify the claimant of new FAP benefit determination.
4. Department shall not reduce claimant's FAP benefits for past months based on allegation that he did not provide verification of child support obligation, as his testimony that he did so in November, 2008 is found credible.

SO ORDERED.

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

Date Signed: June 23, 2009

Date Mailed: June 23, 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.

IR 

cc: 