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: 2009-2257
Issue No: 3002
Case No: [redacted]
Load No:
Hearing Date:
February 4, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Tyra L. Wright

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 February 4, 2009. The Claimant personally appeared and testified.

ISSUE

Did the Department properly compute the Claimant's Food Assistance (FAP) benefits?

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 had been a FAP recipient for a group size of one since at least 2007.

(2) From February 2008 through September 2008, Claimant had been receiving [redacted] in monthly benefits.

(3) Claimant pays child support for a daughter, [redacted]

(4) Claimant's child support expense was [redacted] monthly. (Exhibit pgs. 3-4).

(5) The Department worker failed to include the child support expense on the Claimant's budget starting in February 2008.

(6) To correct this error, the Department worker included the child support expense of [redacted] on the budget from February through September 2008. (Exhibit pgs. 5-6). Consequently, Claimant was eligible for [redacted] in monthly FAP benefits.

(7) In addition, the Department worker corrected Claimant's budgets from February 2008 through September 2008 to reflect that Claimant should have received [redacted] in monthly benefits from February 2008 through September 2008 instead of the [redacted] monthly allotment he received. (Exhibit pg. 2). The difference between [redacted] and [redacted] for eight months is [redacted] Therefore, in October 2008, Claimant received an allotment of [redacted] to reimburse him for period when his child support expenses were not included in his budget. (Exhibit pg. 1).

(8) On Claimant's October 2008 budget he was eligible for [redacted] in monthly benefits. The reduction resulted from the fact that he did not receive a [redacted] expense for a medical deductible that he had received in previous months.

(9) Claimant asserted that he did not meet the medical spend down (deductible) for October 2008.

(10) As a result of not receiving the medical deductible expense of [redacted], Claimant's budget for October 2008 resulted in a monthly allotment of [redacted]. (Exhibit pgs. 5-6).

(11) Claimant requested a hearing on October 12, 2008 on the grounds that his medical and food assistance benefits had been reduced. The medical assistance case was not before this administrative law judge. A hearing involving Claimant's medical assistance case is pending.

(12) The Department received Claimant's hearing request on October 15, 2008.

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).

Under PEM 554 at page 1, court ordered child support and arrearages paid to non-household members are an allowable expense for FAP benefits.

In this case, the Department had already corrected the error concerning Claimant's FAP case and he was reimbursed prior to the hearing. In addition, it is found that the Department did not err regarding Claimant's October 2008 FAP budget. Claimant's benefits were reduced from [redacted] in monthly benefits in October 2008 due to the fact that he did not have [redacted] in medical deductible expenses that he had in prior months. The undersigned has reviewed the Claimant's October 2008 budget and finds it to be correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department properly computed Claimant's FAP benefits for October 2008.

Accordingly, the Department's action is AFFIRMED.

/s/
Tyra L. Wright
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: February 12, 2009

Date Mailed: February 15, 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 of 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.

TLW

cc: [redacted]