

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: 2009-23597

Issue No: 3022

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

July 1, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted on July 1, 2009. The Claimant appeared and testified. Eleanor Cash, ES, appeared on behalf of the Department.

ISSUE

Whether the Department properly computed the Claimant's Food Assistance ("FAP") benefits effective 2/14/09.

FINDINGS OF FACT

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

1. The Claimant is a FAP recipient.
2. Following a yearly redetermination for March of 2009, a Food Assistance Budget was compiled. (Exhibit 1, p. 4).

3. At the time of the interview, Claimant failed to submit verification of shelter obligation and the Department processed the FAP benefits without shelter expenses.
4. The Department received the Claimant's shelter verification form on 3/6/09, but failed to reprocess Claimant's FAP benefits.
5. The Department acknowledged that it was responsible for the error due to not processing the change timely.
6. Claimant has been issued a supplement for the months of April and May.
7. Claimant testified that she is not missing any FAP benefits.
8. Claimant filed this appeal. The Department received the Claimant's Request for Hearing on May 14 2009.

CONCLUSIONS OF LAW

The Food Assistance Program, 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"), formally known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et. seq.* and MAC R 400.3001-3015. Departmental policies are found in the Program Administrative Manual ("PAM"), the Program Eligibility Manual ("PEM"), and the Program Reference Manual ("PRM").

The federal regulations define household income to include all earned income. 7 CFR 273.9(b). All monthly income must be converted to a nonfluctuating monthly amount. Only 80% of earned income is counted in determining FAP benefits. PEM 550. Under 7 CFR 273.9, as amended, a standard deduction (\$135) is deducted from the gross income of FAP recipients in determining FAP grants. Under 7 CFR 273.9 deductions for excess shelter are also made. PEM

554. There is a standard heat and utility deduction as well as a standard deduction for telephone bills. Id.

In the present case, the Department acknowledged that it did not process Claimant's changes in a timely manner. However, the Department has already corrected its actions and Claimant is not currently suffering any loss. Based upon the foregoing facts and relevant law, this hearing request is dismissed with prejudice.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department has already corrected its error and Claimant is not suffering any loss of benefits.

Accordingly, this hearing request is DISMISSED with prejudice.

/s/

Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 07/08/09

Date Mailed: 07/08/09

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.

JV/dj

2009-23597/JV

cc:

