

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: 2009-25147

Issue No: 3002

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

July 30, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 July 30, 2009. Claimant appeared and testified along with her representative.

The record was left open for the submission of proof of payment of housing expense until August 29, 2009. As of September 16, 2009 no such information was provided.

ISSUE

Did the Department properly calculate Food Assistance Program benefits?

FINDINGS OF FACT

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

1. In March 2009 a re-determination was conducted. The Department discovered the Claimant's previous FAP budget had costs for housing which didn't appear to be supported.
2. On March 11, 2009 the Claimant was sent a 3502 requesting verification of costs. The shelter costs were removed from the budget.
3. On March 20, 2009 the Claimant submitted a copy of a money order receipt which failed to have identifying information on it.
4. On April 28, 2009 the Claimant submitted a request for hearing.

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) 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).

In the present case Claimant disputes the amount of her FAP benefit. The Claimant disagreed with the reduction of her benefits. The Department explained the Claimant's case had a discrepancy in the amount being paid for shelter. The Department received different amounts for the shelter costs. When requested the Claimant provided a money order as verification of the amount being paid. However the money order failed to have necessary identifying information on it.

During the hearing a call was placed to the bank to which the payments were suppose to be made. The bank official notified the court no payments had been made on the property or loan since January 2009. In fact the property was in the court process for lack of payments. The Claimant testified she had been making payments and said the bank official she spoke to would send her proof of such payments. The record was left open for the Claimant to supply these records. Originally the record was left open for 10 days but this Administrative Law Judge allowed additional time per the representative's request. The record was officially extended until August 29, 2009. To this date no evidence has been submitted to this court for consideration.

The Department correctly determined the Claimant's FAP budget should not include shelter costs since necessary verification of this expense was not provided. Therefore the Department's determination of FAP benefits is UPHELD.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department correctly budgeted and reduced FAP benefits and it is ORDERED that the Department's decision in this regard be and is hereby AFFIRMED.

/s/ _____
Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 9/22/09 _____

Date Mailed: 9/25/09 _____

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.

JWO/at

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