STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: ███████████,

        Claimant

Reg. No.: 2009-26069
Issue No.: 3002
Case No.: ███████████
Load No.: ███████████
Hearing Date:
July 23, 2009
Wayne County DHS (43)

ADMINISTRATIVE LAW JUDGE: Colleen Lack

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon 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 July 23, 2009 and claimant was not represented.

ISSUE

Is claimant receiving the correct monthly Food Assistance Program (FAP) allotment?

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 is was FAP and FIP recipient when she stopped working in December 2008 due

    to her pregnancy.

2.   Claimant testified she reported the change in income to her worker in December 2008.

3.   Claimant's husband returned to the household in April 2008.

4.   Claimant testified she reported the change to the call center in April 2008.

5.   On May 20, 2008 claimant met with a new caseworker at the local office. The
      caseworker completed new FAP and FIP budgets reflecting the changes to her income
      and group composition resulting in a FAP grant of $664 per month and a FIP grant of
      $597 per month. (Exhibit pp. 1-5)

6.   Claimant testified that the figures in the May 20, 2008 budget are correct.

7.   Claimant requested a hearing on June 1, 2009 contesting that the changes were not made
      to the FAP and FIP grants prior to May 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 Family Independence program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human services (DHS or department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependant Children (ADC) program effective October 1, 1996. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference manual (PRM).

Under PAM 200, Food Assistance groups with countable earnings, are assigned to the Simplified Reporting category. Simplified Reporting groups are required to report changes only when the group's actual gross monthly income exceeds the income limit for their group size. No other change reporting is required. PAM 200. However, for the FIP program, clients must report changes in circumstance that potentially affect eligibility or benefit amount, including changes in income and household members, within 10 days. PAM 105.

In the present case, claimant was a recipient of both FAP and FIP benefits. Claimant testified that in December 2008 she reported the change in employment to her caseworker and provided a note from her doctor indicating she could not work due to her pregnancy. Claimant testified that the caseworker did not request any additional verification. Claimant also called the change reporting center in April 2009 to report that her husband had returned to the household. Claimant's indicates she made multiple other calls and visits to the department office to report the changes to her income and household members.

On May 20, 2009 claimant met with a different caseworker who was newly assigned to her case. On that date, the department did recalculate claimants FAP and FIP budgets reflecting the changes resulting in a FAP grant of $664 per month and a FIP grant of $597 per month effective June 1, 2009. (Exhibit pp 1-5)

Claimant provided credible testimony that she reported the changes to the department as they occurred in December 2008 and April 2009. Therefore, the department erred in failing to process the reported changes prior to May 20, 2009. Accordingly, upon receipt of verification from claimant that she stopped working in December 2008, the department shall recalculate the budgets for the months of December 2008 through May 2009.

DECISION AND ORDER

The ALJ bases upon the findings of fact and conclusions of law decide that the claimant's was not receiving the correct monthly FAP and FIP allotments from December 2008 through May 2009.

Accordingly, the Department's FAP and FIP eligibility determinations are PARTIALLY REVERSED. Therefore it is ORDERED that the department accept verification from claimant to that she stopped working in December 2008 and recalculate Claimant's FAP and FIP budgets for the months of December 2008 through May 2009 reflecting the appropriate changes in income and group composition in accordance with this Decision.

/s/
Colleen Lack
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 08/26/09

Date Mailed: 08/27/09

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 cannon 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.

CL/jlg

cc: