

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: 2009-26460
Issue No: 3003
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 8, 2009
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 8, 2009. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly compute the amount of Claimant's Food Assistance Program (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 was an ongoing recipient of Food Assistance Program (FAP) benefits.
- (2) On March 31, 2009, Claimant's caseworker called Claimant's landlord and verified that heat is included in her monthly rent. The caseworker also called the utility company and verified that Claimant is only billed for electricity and that she did not receive a Home

Heating Credit. A new financial eligibility budget was run for Claimant's Food Assistance Program (FAP) using the currently verified utility expenses. That budget showed that Claimant was eligible for a monthly allotment of \$18. Claimant was sent notice of the change.

(3) On June 5, 2009, 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 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).

In this case, Claimant does not dispute that heat is included in her rent. Claimant testified that she thinks she got a Home Heating Credit before and asked why she would not be getting it now. Claimant testified that the heat at her apartment is not enough and she has to use her oven and an electric heater to keep it warm enough.

Department policy provides the following guidance for caseworkers. The Department's policies are available on the internet through the Department's website.

PEM 554 FAP ALLOWABLE EXPENSES AND EXPENSE BUDGETING

DEPARTMENT POLICY

This item applies **only** to FAP. Budget the following expenses to determine net income for FAP eligibility and benefit levels.

- Groups with **no** Senior/Disabled Veteran (SDV) member:
 - Dependent care expense, and
 - Excess shelter up to the maximum in RFT 255, and
 - Court ordered child support and arrearages paid to nonhousehold members.

- Groups **with** one or more SDV (see [SDV Group in PEM 550](#)) member:
 - Dependent care expense, and
 - Excess shelter, and
 - Court ordered child support and arrearages paid to nonhousehold members, and
 - Medical expenses for the SDV member(s) that exceed \$35.

Complete either a manually-calculated or LOA2 budget to document expenses every time an expense change is reported.

MANDATORY HEAT AND UTILITY STANDARD

Heating/Cooling Separate from Housing Costs

A FAP group which has a heating/cooling (including a room air conditioner) expense or contributes to the heating/cooling expense separate from rent, mortgage or condominium /maintenance payments, must use the Heat and Utility Standard. This standard covers all heat and utility costs, except **actual utility expenses, i.e. installation fees** etc. (See [Actual Utilities](#) in this item.) Do **not** prorate the Heat and Utility Standard even if the heating/cooling expense is shared.

FAP groups that qualify for the Heat and Utility Standard **do not** receive any other individual utility standards.

Heat Included in Rent or Fees

FAP groups whose heat is **included** in their rent or fees are not eligible for the Heat and Utility Standard.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly computed the amount of Claimant's Food Assistance Program (FAP) benefits.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHELD.

/s/

Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: July 10, 2009

Date Mailed: July 13, 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.

GFH 

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