

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: 2009-27335
Issue No: 3002
Case No: ██████████
Load No: ██████████
Hearing Date:
July 29, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Steven M. Brown

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 telephone hearing was conducted from ██████████ on July 29, 2009.

ISSUE

Whether the Department properly computed the Claimant's Food Assistance Program (FAP) allotment?

FINDINGS OF FACT

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

- (1) Claimant is a FAP recipient.

(2) On May 11, 2009, the Department received a Shelter Verification, DHS-3688, from Claimant's landlord which listed a rental obligation of [REDACTED]. (Exhibit 7)

(3) On May 12, 2009, the Department completed a new FAP budget with this information which resulted in a new monthly FAP allotment of [REDACTED]. (Exhibit 5)

(4) On May 12, 2009, the Department mailed Claimant an Eligibility Notice which states – "Your FAP benefit will be [REDACTED] effective 05/2009." (Exhibit 6)

(5) Claimant was confused by the statement on the Eligibility Notice that the reduction would take effect 5/2009 so she filed a hearing request shortly after receiving it. The Department has no record of a Mid May hearing request by Claimant.

(6) On June 2, 2009, the Department received a Shelter Verification, DHS-3688, from Claimant's landlord which listed a rental obligation of [REDACTED]. (Exhibit 3)

(7) On June 2, 2009, the Department completed a new FAP budget with this information which resulted in a new monthly FAP allotment of [REDACTED]. (Exhibit 2)

(8) Claimant's monthly FAP allotment was [REDACTED] in May 2009, [REDACTED] in June 2009 and [REDACTED] in July 2009. (Exhibit 8)

(9) On June 3, 2009, the Department received a hearing request signed and filed by Claimant on that date. (Exhibit 9)

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. Departmental policies are

found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM), and the Program Reference Manual (PRM).

In the instant case, Claimant filed and/or attempted to file a hearing request shortly after receiving the May 12, 2009 Eligibility Notice which stated that her benefits were being reduced effective 5/2009. Claimant did not dispute the reduction. She filed the hearing request because she already received her FAP benefits in May and thought that she would start receiving the [REDACTED] allotment in June.

Claimant was rightly confused by the misleading language on the Eligibility Notice. Claimant, however, received the correct amount of FAP benefits in May, June and July 2009 according to Department documentation and testimony. Claimant also testified that she thinks that she received these amounts, but was not completely sure based on the Eligibility Notice and because her FAP benefits are placed on her card and she simply uses it until they are exhausted.

With the above said, based on the testimony and documentation offered at hearing, I find that the Department established that it acted in accordance with policy in computing Claimant's FAP allotment.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department acted in accordance with policy in computing Claimant's FAP allotment.

Accordingly, the Department's FAP eligibility determination is AFFIRMED, it is SO ORDERED.

/S/

Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 6, 2009

Date Mailed: August 6, 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.

SMB/db

cc: [REDACTED]