

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.: 2009-30116
Issue No.: 3002
Case No.:
Load No.:
Hearing Date:
August 19, 2009
Macomb County DHS (12)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on July 16, 2009. The Claimant personally appeared and testified.

ISSUE

Did the Department correctly calculate the Claimant's Food Assistance (FAP)?

FINDINGS OF FACT

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

- (1) The claimant is a FAP recipient. The group size is one.
- (2) On June 16, 2009, the Claimant filed a request for a hearing contesting the denial of her MA and her FAP benefit.
- (3) The claimant has a gross income of \$1,336.00, with an obligation for shelter.
- (4) The department failed to budget the standard deduction and the excess shelter amount.

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 (formerly known as the Family Independence Agency) 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 Tables (PRT).

The claimant questions the amount of the FAP allotment. The claimant has a gross income of \$1,336.00. This does not include the standard deduction allowed at the time or a deduction for shelter. However, the monthly gross income limit for a group of one is \$1,127.00.

The hearing request was filed questioning the FAP amount and the denial of her MA application by MRT. The file contained no medical information or a FAP budget. The department was prepared for a hearing on the medical issue but not on the FAP. The MA portion of the hearing has been adjourned.

This ALJ finds that the department should re-budget the claimant's FAP and include all allowable expenses and deductions.

DECISION AND ORDER

The Administrative Law Judge based on the above findings of fact and conclusions of law, REVERSES AND ORDERS the Department to re-budget the claimant's FAP and include all allowable expenses and deductions.



Michael J. Bennane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 11/05/09

Date Mailed: 11/05/09

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.

MJB/jlg

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