

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: 2009-32012
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 27, 2009
Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

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, an in-person hearing was held on October 27, 2009. Claimant was represented at the hearing by [REDACTED]

ISSUE

Did the Department of Human Services (the department) properly cancel 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) On September 5, 2008, claimant filed an application for Food Assistance Program benefits.

(2) Claimant was granted Food Assistance Program benefits and was receiving \$176 per month.

(3) Another client filed an application for Food Assistance Program benefits, alleging that she lived with claimant.

(4) The department caseworker requested a Verification of Shelter form from claimant's alleged roommate, which was provided.

(5) The department caseworker spoke with claimant on the telephone as well as the other person and there was a dispute as to whether or not the woman actually lived with claimant.

(6) The department caseworker requested claimant on the phone to send in a notarized statement that the woman was not living with her.

(7) On February 24, 2009, the department caseworker sent claimant notice that her Food Assistance Program benefits would be cancelled based upon its determination that claimant did not provide the notarized statement stating that the other party was not living with her.

(8) On April 17, 2009, claimant filed a request for a hearing to contest the department's negative action.

(9) The department caseworker conceded on the record that claimant's Food Assistance Program benefits were inappropriately closed for the month of April 2009.

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 the instant case, the department caseworker conceded on the record that there was an error made in this case. Once claimant's Food Assistance Program case was cancelled, claimant began to receive SSI benefits in the amount of [REDACTED] per month. At that time, claimant began to receive MICAP Food Assistance Program benefits in the amount of \$84 per month. Claimant and her representative contested the failure to receive \$176 in Food Assistance Program benefits in March 2009.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and the department's concession, determines that the department's activity should be REVERSED. It is ORDERED that the department shall reinstate claimant's Food Assistance Program benefits for the months of March and April 2009 and shall make an independent assessment of claimant's eligibility for said benefits based upon her receipt or lack of receipt of SSI benefits. The department shall notify the claimant in writing if she is otherwise eligible to receive Food Assistance Program benefits for those months and shall pay to claimant any benefits to which she is entitled.

/s/ _____
Landis Y. Lain
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 11, 2009

Date Mailed: November 11, 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.

LYL/vmc

cc:

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