

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: 2009-32014
Issue No: 3002; 3003
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 1, 2009
Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 held on September 1, 2009. Claimant did not appear as she is having health issues. Claimant's husband [REDACTED] personally appeared and testified.

ISSUE

Did the department correctly compute the amount of Food Assistance Program (FAP) benefits in June, 2009 that the claimant was entitled to receive, resulting in reduction of such 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 a FAP recipient along with her husband and their son when their case came due for a yearly review.

2. Review interview took place on May 14, 2009 and a redetermination form provided by the claimants indicates that [REDACTED] started receiving RSDI. On June 3, 2009, caseworker discovered through a computer matching report with SSA that the RSDI income started on March 1, 2009, without being reported to the department.

3. Caseworker then completed a new budget for the claimants with the claimant's SSI, her husband's RSDI and her son's SSI. The new budget resulted in a decrease in FAP benefits effective June 1, 2009.

4. Claimant was notified of the FAP benefit change and requested a hearing on June 8, 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).

Department's policy states that for FAP eligibility purposes RSDI and SSI income must be counted when determining FAP allotment amounts. BAM 500. Department's budget calculations were reviewed with claimant's husband and he states that the RSDI and SSI amounts received by his household at the time of the June, 2009 FAP budget are correct. Claimant's husband states that such amounts have now changed and is advised that he is to report changes to the department so a new FAP budget can be calculated.

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DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly calculated the amount of FAP benefits the claimant was entitled to receive in June, 2009.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 3, 2009

Date Mailed: September 8, 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.

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