

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: 2009-32983
Issue No: 3002
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 16, 2009
Kent 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 16, 2009. Claimant and her daughter personally appeared and testified with assistance from Spanish speaking Language Line translator.

ISSUE

Did the department correctly compute the amount of Food Assistance Program (FAP) benefits that the claimant was entitled to receive?

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 applied for FAP benefits on May 6, 2009.
2. Claimant's FAP application was approved on May 15, 2009. Claimant had previously received FAP benefits in the amount of \$242 per month for a household group of 3,

but new FAP amount was determined to be \$22 based on household group size of 2 (due to claimant's husband moving out) and lesser shelter expense.

3. Claimant requested a hearing on May 28, 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 budgeting of claimant's household income was reviewed. The review reveals that the department budgeted \$378 of RSDI for the claimant when she indeed receives only \$328 per month in such income according to the SSA award letter department had in their possession. Claimant's daughter receives SSI of \$674 per month in addition to \$14 State Quarterly SSI payment, for a total of \$688 per month. Claimant's total household income is therefore \$1,016 per month, not \$1,285 per month as budgeted by the department. Department agrees that claimant's FAP budget should be re-computed based on correct income amounts.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department incorrectly computed the amount of FAP benefits that the claimant was entitled to receive.

Accordingly, department's action is REVERSED. Department shall:

1. Re-compute claimant's FAP budget effective with the application date of May 6, 2009, with correct RSDI and SSI.
2. Issue the claimant any FAP benefits she did not receive as a result of incorrect income budgeting since May, 2009.
3. Notify the claimant in writing of this determination.

SO ORDERED.

/s/

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

Date Signed: September 28, 2009

Date Mailed: September 29, 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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