

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

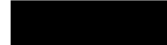


Claimant

Reg. No.: 2009-34323

Issue No.: 3003

Load No.:



Hearing Date:

October 7, 2009

Wayne County DHS (35)

ADMINISTRATIVE LAW JUDGE: Rhonda P. Craig

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 hearing was conducted in-person on October 7, 2009. Claimant and claimant's representative appeared.

ISSUE

Did the department properly budget claimant's Food Assistance (FAP) grant?

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 an FAP recipient.
2. On May 29, 2009, claimant was mailed a verification checklist requesting verification of shelter as a part of the yearly redetermination. The checklist was sent to the wrong address and not received by the claimant.
3. On June 19, 2009 claimant was given another verification checklist and a shelter verification form.

4. On June 19, 2009 claimant brought in rent receipts signed by his landlord and a completed shelter verification form.
5. The department removed the shelter expense in budgeting claimant's FAP effective August 2009 which reduced his FAP grant amount.
6. Claimant requested a hearing contesting the budgeting of his FAP grant.

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 Manual (PRM).

Under PEM 554 the departments uses certain expenses to determine net income for FAP eligibility and benefit levels. The department allows a shelter expense when the FAP group has a shelter expense or contributes to the shelter expense. The expenses do **not** have to be paid to be allowed.

The department verifies shelter expenses at application and when a change is reported. If the client fails to verify a reported change in shelter, the department removes the old expense until the new expense is verified. Acceptable verification sources include, but are **not** limited to:

Mortgage, rental or condo maintenance fees contracts or a statement from the landlord, bank or mortgage company. Copy of tax, insurance, assessment bills or a collateral contact with the appropriate government or insurance office.

Cancelled checks, receipts or money order copies, if current. The receipt must contain minimum information to identify the expense, the amount of the expense, the expense address if verifying shelter, the provider of the service and the name of the person paying the expense.

DHS-3688, Shelter Verification form. A copy of this form will be sent to the FAP group and the specialist when a change of address is done on CIMS. The due date will be on the form. The specialist must monitor for return of the form and take appropriate action if it is or is **not** returned.

Current lease.

In the present case, claimant provided sufficient verification (shelter expense form and rent receipts) of his shelter expense to the department on June 19, 2009. The department argues that the shelter verification form did not contain the landlord's telephone number and therefore was inadequate proof of the expense. At the hearing the claimant testified that his landlord does not have a phone. It should also be noted that claimant has been residing in his current location for three years. At the hearing the department representative testified that there is no local office or department policy which requires a telephone number for verification of a shelter expense. This Administrative Law Judge finds that the department erred in failing to include claimant's shelter expense in budgeting claimant's FAP grant.

DECISION AND ORDER

The Administrative law Judge, based upon the findings of fact and conclusions of law, finds that the department erred in failing to include claimant's shelter expense in budgeting claimant's FAP and that the department's actions be and are hereby REVERSED.

It is ORDERED, that the department rebudget claimant's FAP with a shelter expense retroactive to August 2009 and that claimant be granted all benefits due as a result of the recalculations.



Rhonda Craig
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 10/12/09

Date Mailed: 10/12/09

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party with 30 days of the mailing 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 with 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.

RPC/jlg

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