

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: 2009-4536

Issue No: 3002

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

March 2, 2009

Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Tyra L. Wright

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 held on March 2, 2009. The Claimant personally appeared and testified. A family independence manager represented the Department.

ISSUE

Did the Department properly compute the Claimant's Food Assistance (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) Claimant had been receiving FAP benefits.
- (2) On July 28, 2008, the Department received her re-determination application.

(Exhibit pgs. 34-49).

- (3) Claimant attended an interview on July 29, 2008.

(4) On July 29, 2008, Claimant provided the Department with rent receipts dated May 13, 2008, June 4, 2008, and July 6, 2008. (Exhibit pg. 28).

(5) On August 27, 2008, Claimant's review was completed.

(6) On September 16, 2008, the Department worker received a message from Claimant stating that she had moved to [REDACTED]

(7) The Department worker requested shelter verification. The worker ran the September budget with no rent expense for September 2008.

(8) The shelter verification was received on September 17, 2008 and, therefore, the Department worker included a rent expense of [REDACTED] on Claimant's October 2008 budget.

(9) Claimant disagreed with her benefit allotment for the months of May, June, July, August and September 2008.

(10) The Department received Claimant's hearing request on September 17, 2008.

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).

Federal law requires that FAP recipients meet income eligibility standards to receive benefits:

DEPARTMENT POLICY

This item applies only to FAP.

Budget the following expenses to determine net income for FAP eligibility and benefit levels.

- Groups with no Senior/Disabled Veteran (SDV) member:
 - Dependent care expense, and
 - Excess shelter up to the maximum in RFT 255, and
 - Court ordered child support and arrearages paid to non-household members.
- Groups with one or more SDV ([see SDV Group in PEM 550](#)) member:
 - Dependent care expense, and
 - Excess shelter, and
 - Court ordered child support and arrearages paid to non-household members, and
 - Medical expenses for the SDV member(s) that exceed \$35.

Complete either a manually-calculated or LOA2 budget to document expenses every time an expense change is reported. (PEM 554, p. 1.)

SHELTER EXPENSES

Allow a shelter expense when the FAP group has a shelter expense or contributes to the shelter expense. Do not prorate the shelter expense even if the expense is shared. Shelter expenses are allowed when billed. The expenses do not have to be paid to be allowed. (PEM 554, p. 9.)

CLIENT OR AUTHORIZED REPRESENTATIVE

RESPONSIBILITIES

Responsibility to Cooperate All Programs

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of necessary forms. (PAM 105, p. 5)

Under PEM 554, shelter costs are an allowable expense for FAP budgeting purposes. Claimant also had the responsibility to cooperate with the Department by providing verification of her shelter expense. In this case, Claimant moved to a new place for May 2008 but did not provide verification of her shelter expenses until July 29, 2008. Claimant did not provide her updated shelter expense after moving to [REDACTED] until September 17, 2008. Therefore, it is found that the Department properly calculated Claimant's budgets for May 2008 through September 2008 based on the information available to the Department. The undersigned has reviewed the budgets from September 2008 and October 2008 and finds them to be correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department properly computed Claimant's FAP benefits for May through September 2008. Accordingly, the Department's action is AFFIRMED.

/s/ _____
Tyra L. Wright
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 11, 2009

Date Mailed: March 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 of on the Department's

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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.

TW/dj

cc:

