

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: 2009-11668

Issue No: 3002

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

April 9, 2009

Genesee 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 April 9, 2009. Claimant personally appeared and testified. The Department was represented by a family independence manager.

ISSUE

Did the Department improperly calculate Claimant's Food Assistance Program (FAP) budgets starting in April 2008 by failing to include her shelter expense?

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 is a FAP recipient with a group size of three. She receives \$437 in monthly benefits. (Exhibit pgs. 15-16).
- (2) Claimant moved to [REDACTED] on [REDACTED]. (Exhibit pgs 2-14, Lease Agreement).

- (3) Claimant and the Department contend that Claimant reported this move to the Department.
- (4) Claimant contends that in April 2008, she provided her caseworker with a copy of her lease agreement.
- (5) The Department witness contends that the Claimant's caseworker, at the time, did not receive verification of her shelter expense.
- (6) Claimant asserted that she provided her lease agreement in April 2008 and again in January 2009 when her caseworker told her that the Department did not have verification of her shelter expense.
- (7) On January 15, 2009, the Department received a copy of the Claimant's lease agreement for [REDACTED] (Exhibit pgs. 2-14). (Claimant has since moved to [REDACTED]).
- (8) The lease agreement states that Claimant leased [REDACTED] for a one-year term that started on [REDACTED] for a monthly payment of [REDACTED]. (Exhibit pg. 2).
- (9) Claimant's Department caseworker during the period at issue did not participate in this hearing.
- (10) The Department received Claimant's hearing request on January 28, 2009. (Exhibit p. 17).

#### 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).

### **DEPARTMENT POLICY**

**Verification** means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Obtain verification when:

Required by policy. PEM items specify which factors and under what circumstances verification is required.

Required as a local office option. The requirement **must** be applied the same for every client. Local requirements may **not** be imposed for MA, TMA-Plus or AMP without prior approval from central office.

Information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. The questionable information might be from the client or a third party. (PAM 130, pg. 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.

Late fees and/or penalties incurred for shelter expenses are **not** an allowable expense. (PEM 554, p. 9).

Under PAM 130, when verification is sought, the client must be told “what verification is required, how to obtain it and the due date.” Under PEM 554, the cost of shelter is an allowable expense.

In this case, it is found that Claimant was told to submit shelter verification. Her testimony that she provided a copy of her lease agreement in April 2008 is found to be credible. Therefore, it is found that the Department should have included her accurate shelter cost in her FAP budgets starting in April 2008.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department inaccurately calculated Claimant's FAP budgets by failing to include Claimant's shelter expense.

The Department is ORDERED to (a) review Claimant's FAP budgets from April 2008 until she moved out of her home at [REDACTED] and (b) issue any retroactive FAP benefits that she would have been eligible to receive had her caseworker timely included her correct monthly shelter expense of [REDACTED] in the FAP budgets.

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

Date Signed: 04/14/09

Date Mailed: 04/15/09

**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.

TW/dj

cc:

[REDACTED]