

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: 2009-17480
Issue No: 3002
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 28, 2009
Wayne 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 May 28, 2009. The Claimant personally appeared and testified. A family independence manager and an eligibility specialist represented the Department.

ISSUE

Did the Department properly compute the Claimant's Food Assistance Program (FAP) benefits for April 2009?

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 benefits recipient for a group size of one.

- (2) His monthly benefit allotment for March 2009 was \$69. The Department sent him a verification checklist on March 12, 2009 seeking verification of his shelter expense. (Exhibit 7).
- (3) Claimant's benefit allotment was reduced to \$14 effective April 2009 because the department did not receive the shelter verification. (Exhibits 3-5).
- (4) Claimant asserted at this hearing that he submitted the shelter verification to the Change Reporting Center for Wayne County.
- (5) Claimant's monthly FAP allotment for May 2009 increased to \$57, according to Claimant and the Department.
- (6) Claimant still disagrees with the amount of the allotment on the grounds that \$57 is not sufficient to assist with his food needs. Claimant did not dispute any other information listed on his April 2009 budget.
- (7) The Department received hearing requests from Claimant on March 20, 2009 and April 13, 2009. (Exhibits 10 and 11).

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).

**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)

Refusal to Cooperate Penalties

All Programs

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. (PAM 105, p. 5)

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).

Claimant's testimony that he provided the Department with his shelter verification is found to be credible. It also appears that the Department included his shelter expense when calculating his May 2009 budget, resulting in an increase in his monthly allotment from \$14 to \$57. Moreover, Claimant's complaint is that the \$57 allotment is not sufficient. Although the April 2009 budget was submitted and the May 2009 budget was not, the Claimant did not allege that the Department erred in calculating his May 2009 budget and did not dispute the accuracy of any information the Department used. He alleged only that \$57 monthly was not sufficient to meet his food needs. It is found that there was no evidence that the Department erred in calculating Claimant's April or May 2009 budgets.

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 April and May 2009.

Accordingly, the Department's action is AFFIRMED.

/s/

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

Date Signed: 06/04/09

Date Mailed: 06/05/09

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]