

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: 2009-17742
Issue No: 3002, 3003
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 23, 2009
Tuscola 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 April 23, 2009. Claimant personally appeared and testified.

ISSUE

Did the department correctly compute the amount of Food Assistance Program (FAP) benefits that the claimant was entitled to receive, resulting in reduction of such 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 was a FAP benefit recipient when the department completed a review of her case in February, 2009.

(2) Department computed claimant's FAP benefits by using her [REDACTED] income of [REDACTED] per month plus the [REDACTED] quarterly [REDACTED]. (Department's Exhibit 1, pages 12 and 16).

(3) Department also used [REDACTED] rent expense and heat/utility standard as the claimant is responsible for paying her heat/utilities. (Department's Exhibit 1, pages 8, 9, 10 and 11).

(4) Department's FAP budget resulted in claimant being eligible for [REDACTED] in benefits, reduction from [REDACTED] she was previously receiving. (Department's Exhibit 1, pages 6 and 7).

(5) On February 9, 2009 department sent the claimant a notice telling her of her new FAP benefit amount, and advising her that her benefits are lower because rent went from [REDACTED] to [REDACTED] per month. (Department's Exhibit 1, p. 3). Claimant requested a hearing on March 20, 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).

FAP budget was reviewed with the claimant. Claimant does not dispute the amount of income budgeted by the department and states her rental amount is also correct. Claimant however states that she went to the library and figured out how much in FAP benefits she should get by using the Internet, so she should get more benefits. This Administrative Law Judge finds

that department's FAP budget is correct, and attempted to explain to the claimant that the amount of benefits she is entitled to receive is based on the regulations set by the federal government. Claimant then stated several times that "people enjoy hurting her children and grandchildren". Claimant is the only member of her FAP household, so her comments are not related to any children or grandchildren she would have to feed with her benefits. It is also noted that claimant's rent decreased several months ago, as the letter from MSHDA dated September 30, 2008 indicates that her rent will be [REDACTED] effective November 1, 2008. Therefore, claimant may have received more FAP benefits that she was entitled to receive if she had reported the change in rent in a timely manner.

DECISION AND ORDER

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

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

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

Date Signed: April 28, 2009

Date Mailed: April 30, 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.

IR/db

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