

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: 2009-17831

Issue No: 3002

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

May 7, 2009

Wayne 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 May 7, 2009. Claimant personally appeared and testified.

ISSUE

Did the department correctly compute the amount of Food Assistance Program (FAP) benefits, resulting in decrease 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 recipient when she reported that she had moved to a new address.
2. On April 1, 2009, department computed a new FAP budget for the claimant, taking into account her SSI income of \$674 per month verified through computer matching with

SSA, the State SSI quarterly supplement of \$14 per month, and her rent of \$174 per month with non-heat electric allowance (Department's Exhibits 4A and B, 6A and B, and 6C).

3. Department's FAP budget resulted in determination that the claimant was now eligible for \$59 in FAP benefits, reduction from a previous amount of FAP benefits she was receiving.

4. Claimant was notified of reduction in her FAP benefits on April 1, 2009. Claimant had previously received a notice in March, 2009 that her FAP benefits would be reduced to \$35 and had requested a hearing on March 23, 2009. Department therefore processed the hearing request to apply to \$59 reduction.

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).

Claimant does not contest the amount of her income, that being SSI and State SSI quarterly payment, that the department took into account. Claimant also is not contesting that her rent is \$174 per month and that she pays for non-heat electric. Claimant however, states that her rent was only a few dollars more, \$181 per month, previously, and she was receiving \$147 of FAP benefits per month. Claimant therefore does not understand how her FAP benefits would be so considerably reduced based on such small reduction in her rent expense.

Department's representative, after reviewing the previous FAP budget for the claimant that resulted in FAP benefit allowance of \$147 per month, states that the claimant's previous rent was indeed \$181 per month, but that she was allowed a heat/utility standard even though she was not paying for such expense. PEM 554. Therefore, claimant appears to have been previously issued more FAP benefits than she was entitled to due to department's oversight and error in the previous FAP budget. Department's current FAP budget is correct.

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 is entitled to receive, resulting in decrease 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: May 18, 2009

Date Mailed: May 19, 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 [REDACTED]

cc: [REDACTED]
[REDACTED]