

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: 2009-20276
Issue No: 3002
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 27, 2009
Eaton 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 27, 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 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 a health insurance premium, Medicare Part B, of \$8.30 per month on January 7, 2009 (Department's Hearing Summary and Exhibit #8).
2. Claimant's caseworker then completed a new FAP budget based on claimant's RSDI benefits of \$1,253.40 per month, her Medicare Part A premium of \$96.40 per month, her

Part B premium of \$8.30 per month, rent of \$420 per month, and allowing a heat/utility including telephone standard of \$550 per month (Department's Exhibit #5).

3. Department's new FAP budget resulted in FAP benefit amount of \$14 per month.

4. On January 8, 2009, department mailed the claimant a notice telling her that her FAP benefits will be \$14 per month effective February, 2009. Claimant requested a hearing on March 18, 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).

Claimant's RSDI income, the amount of her Medicare Part A and B premiums, and the amount of her rent were reviewed with her. Claimant does not dispute any of these amounts and states they are all correct, as used by the department on computation of her FAP budget and in accordance with departmental policy on budgeting income and expenses. PEM 500 and 554. It was also explained to the claimant that heat/utility standard is set by federal regulations and is an amount given when a person has such obligation. Claimant stated that she does not understand how FAP benefits are figured, even though it was explained to her several times that federal regulations govern the FAP formula. Claimant is simply not happy with the amount of benefits she is receiving. Unfortunately, while this Administrative Law Judge understands claimant's frustration with such small amount of FAP benefits, department did compute these benefits in

accordance with departmental policy and federal law and regulations. Neither departmental staff nor the Administrative Law Judge has the authority to change such law and regulations.

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.

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: June 10, 2009

Date Mailed: June 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 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.

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