

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.: 2009-20506
Issue No.: 3003
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
July 9, 2009
Monroe County DHS

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 conducted from Monroe, Michigan on July 9, 2009. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly calculated the Claimant's Food Assistance ("FAP") benefits?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material and substantial evidence on the whole record, finds as material fact:

1. The Claimant is a FAP recipient.
2. On April 8, 2009, the Department received the Claimant's Mid-Certification Contact Notice. (Exhibit 4)
3. The Claimant receives \$1,102.00 a month in SSI income. (Exhibit 2)

4. The Claimant receives a housing subsidy thus has a reduced monthly rental obligation of \$191.00. (Exhibit 3)
5. The Claimant is responsible for his utilities.
6. As a result of the above verifications, the Claimant's FAP allotment was calculated as \$16.00. (Exhibit 1)
7. On April 8, 2009, the Department notified the Claimant of his FAP allotment.
8. On April 15, 2009, the Department received the Claimant's Request for Hearing protesting the amount of the monthly FAP allotment. (Exhibit 5)

CONCLUSIONS OF LAW

The Food Assistance Program, 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"), formally known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Program Administrative Manual ("PAM"), the Program Eligibility Manual ("PEM"), and the Program Reference Manual ("PRM").

The Department periodically re-evaluates cases to ensure that continued eligibility for benefits. PAM 210 Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. PAM 105 Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. PAM 130 Reducing a FAP group's benefit amount at redetermination is treated as a positive action since the change affects the new certification, not the current benefit period. PAM 220

All countable earned and unearned income available to the client must be considered in determining the Claimant's eligibility for program benefits. PEM 500 The Department must consider the gross benefit amount before any deduction, unless Department policy states otherwise. *Id.* For FAP purposes, all expenses are converted to a nonfluctuating monthly amount. PEM 554 A group's monthly benefits are based in part, on a prospective income determination. PEM 505 A standard monthly amount must be determined for each income source used in the budget. PEM 505

In determining a FAP allotment, a client is eligible for a Heat and Utility Standard whenever a FAP group contributes to the heat expense separate from rent, mortgage, or condominium/maintenance payments. PEM 554

In the instant case, the Claimant's monthly rental obligation is \$499.00 of which \$308.00 is subsidized resulting in the Claimant's actual out-of-pocket rental expense of \$191.00. The previous FAP budget included the full monthly obligation versus what the Claimant was actually responsible for. The Claimant agreed with the figures used in calculating the monthly FAP allotment but disagreed with the fact that the amount of his allotment was reduced from the prior benefit period. Ultimately, the Department established it acted in accordance with department policy when it calculated the Claimant's FAP budget which resulted in a lower benefit than from the previous benefit period. Accordingly, the Department's determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department properly calculated the Claimant's FAP allotment.

Accordingly, it is ORDERED:

The Department's FAP eligibility determination is AFFIRMED.

/s/

Colleen M. Mamelka
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 07/14/09

Date Mailed: 07/14/09

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.

CMM/jlg

cc:

