

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: 2009-22639

Issue No: 3002; 3003

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

June 23, 2009

Kent 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 June 23, 2009. Claimant personally appeared and testified.

ISSUE

Did the department correctly compute in April, 2009 the amount of Food Assistance Program (FAP) benefits claimant was entitled to receive?

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 the department completed a yearly redetermination of her case.
2. Department used claimant's RSDI of \$674.00 per month and her rent of \$173 per month as verified by the Shelter Verification form she provided (Department's Exhibits #1-5).

3. Department's computation resulted in a determination that the claimant was entitled to \$34 per month in FAP benefits, a decrease from \$130 per month she was previously receiving.

4. Claimant was notified of the new FAP amount on April 23, 2009. Claimant requested a hearing on April 30, 2009 and department was to restore her FAP benefits to their previous amount pending the outcome of this hearing.

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).

In determining a person's FAP eligibility and amount of benefits they are entitled to receive the department must take into account income and shelter expenses. PEM 500 and 554. Claimant does not dispute the amount of RSDI department budgeted on her case. Hearing testimony reveals that claimant's rent expense was previously budgeted on her FAP case as being \$550 per month. Shelter form claimant provided to the department in April, 2009 shows that her rent is reduced because of Section 8 or subsidized housing to \$173 per month. This substantial reduction in claimant's shelter expense resulted in substantial reduction in her FAP benefit amount. Department's representative also testified that claimant's correct FAP amount is \$41 per month, and this is the amount she will receive.

Claimant did testify that she knows of several people in her apartment complex that have exact same income and shelter expenses as she does, but receive a lot more food stamps.

Claimant was told to give such names to department's representative, a manager, who can then forward the information to appropriate caseworkers for review of particular cases to see if any errors or omissions were made on such cases.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly computed in April, 2009 the amount of FAP benefits the 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 25, 2009

Date Mailed: June 26, 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]