

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: 2009-24991  
Issue No: 3002  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
July 16, 2009  
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Tyra L. Wright

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 held on July 16, 2009. Claimant personally appeared and testified. An eligibility specialist represented the Department.

ISSUE

Did the Department properly compute the Claimant's Food Assistance (FAP) 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 is a FAP benefits recipient for herself.
- (2) Prior to receiving an Eligibility Notice dated May 4, 2009, Claimant's monthly FAP allotment was \$97.

- (3) Claimant received an Eligibility Noticed dated May 4, 2009 stating that her monthly FAP benefit would be \$54 as of May 2009. (Exhibit 4).
- (4) The Department witness did not know what, if anything, caused the change in Claimant's monthly allotment. Claimant's file contained a document indicating that the Change Center received a change request from Claimant. The Change Center documentation refers to an "XS 119 Report." Claimant, however, denied requesting any change. The Department witness did not have a copy of the XS 119 Report and was not familiar with any such report.
- (5) Claimant disagreed with the Department's decision to reduce her monthly FAP benefits.
- (6) The Department received Claimant's hearing request on May 7, 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 (formerly known as the Family Independence Agency) 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 denied reporting any change to the Change Center and the Department witness did not provide evidence that a change was made. Under these circumstances, it is found that the Department did not establish that any change in Claimant's FAP budget was warranted.

Therefore, it is found that the Department's determination to reduce her FAP allotment was improper.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department improperly computed Claimant's FAP allotment as of May 2009.

Accordingly, the Department's action in the instant case is REVERSED. The Department is ORDERED to reimburse Claimant for any benefits that she was denied after the Department improperly reduced her FAP allotment.

/s/ \_\_\_\_\_  
Tyra L. Wright  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: 08/24/09

Date Mailed: 08/24/09

**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.

TW/dj

cc:

