

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: 2009-25409
Issue No: 3002; 3003
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 15, 2009
Ingham 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 July 15, 2009 . Claimant personally appeared and testified.

ISSUE

Did the department issue the claimant a correct amount of Food Assistance Program (FAP) benefits for which she was eligible for?

FINDINGS OF FACT

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

1. Department's Hearing Summary states that on April 23, 2009, claimant's caseworker corrected claimant's FAP benefits for November, 2008 through April, 2009, and that the claimant is now receiving the full benefit amount.

2. On April 24, 2009, claimant signed three hearing request withdrawals, for hearing requests dated October 9, 2008, January 2, 2009 and February 25, 2009. (Department's Exhibits 1-3).

3. Documentation Record of June 6, 2009, of the telephone conversation between the claimant and her caseworker states that the claimant was asked about two April, 2009 hearing requests, that they were both for FAP and FAP has been corrected so she is getting full benefits. Claimant agreed to withdraw the hearing requests, but did not do so.

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 appears to be unhappy with department's computation of her FAP benefits. Claimant stated several times that she wanted the Administrative Law Judge to review her entire case record. Administrative Law Judge explained to the claimant that she will not do that and that the purpose of the hearing is to address specific issues she has with her FAP benefits for a specific period of time. Department's representative testified that claimant's FAP benefits have been corrected starting in November, 2008, and cited FAP allotment amounts for the months of November, 2008 through April, 2009. Claimant requested this hearing on April 16, 2009. Claimant states that she does not think she received the FAP amounts cited by the department, but when told that these amounts are on department's computer that shows dates, times and

stores where she would have used her benefits and that her worker can obtain such printouts, she does not have a response. Claimant then tries to discuss her FAP benefits after April, 2009 however, it is explained to her that such benefits are not subject of this hearing, as they would not have been issued until after the date of her hearing request, April 16, 2009.

Hearing continued with the claimant being unable to voice what alleged errors were made on her FAP case. Department's representative states that claimant's FAP case was reviewed with her in detail prior to the hearing, and claimant should therefore be able to cite specifics of what she disagrees with. Claimant's inability to do so, leads to the conclusion that she does not have any legitimate complaints about her FAP case. Claimant resorted to saying that DHS staff should be jailed in addition to making other disparaging statements about staff and the Administrative Law Judge. Hearing was concluded as claimant was apparently attempting to escalate the situation into some type of confrontation with staff and had nothing pertinent to state about her hearing issue.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department issued the claimant a correct amount of FAP benefits she was eligible for.

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: July 21, 2009

Date Mailed: July 21, 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 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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]