

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: 2009-27336
Issue No: 3003
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 21, 2009
Monroe County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 21, 2009. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly determine Claimant's financial eligibility budget for Food Assistance Program (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) On April 30, 2009, Claimant applied for Food Assistance Program (FAP) benefits. At that time the State of Ohio (where Claimant previously worked) held that Claimant did not have good cause for loosing his job there. There are 4 members in Claimant's group:

himself; his spouse who is employed; and two daughters one of whose employment income is required to count in the budget.

(2) On June 3, 2009, a financial eligibility budget was run with Claimant excluded from the group. The budget showed the group was not eligible due to excess income. Claimant was sent notice of the Department's determination.

(3) On June 5, 2009, Claimant provided verification that the State of Ohio had determined Claimant was not at fault for his termination and that he was awarded Unemployment Compensation Benefits (UCB).

(4) On June 11, 2009, Claimant submitted a request for hearing.

(5) On June 18, 2009, the Department recalculated Claimant's financial eligibility for Food Assistance Program (FAP) benefits based on his inclusion in the group. The budgets still showed that the group was not eligible due to excess income.

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 this case, the Department has already recalculated Claimant's financial eligibility based on Claimant's actual status as eligible when he applied. Those budgets were reviewed and the income amounts are accurate. During April, May, and June of 2009 Claimant's benefit group

had income in excess of the program limits and were not eligible for Food Assistance Program (FAP) benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly determined Claimant's financial eligibility budget for Food Assistance Program (FAP) benefits.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHELD.

/s/ _____
Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 3, 2009

Date Mailed: August 4, 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.

GFH 

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