

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: 2009-28001
Issue No: 3002
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 18, 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 three-way telephone hearing was held on August 18, 2009. Claimant personally appeared from a private telephone and testified.

ISSUE

Did the department correctly compute in June, 2009 the amount of Food Assistance Program (FAP) benefits claimant was entitled to receive, resulting in decrease in such 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 was a FAP benefit recipient when the department was notified that she became homeless in May, 2009. May 12, 2009, letter from The Salvation Army indicates that

the claimant was homeless and that this organization was working with her to obtain stable housing. (Department's Exhibit 1).

2. As the claimant was homeless and had no rental obligation, department took action to remove rent/utility costs from her FAP case, and computed a new FAP budget without these costs. New FAP budget resulted in decrease in FAP benefits.

3. Department sent the claimant a notice on June 2, 2009, telling her that her FAP benefits will decrease effective July, 2009 issuance. Claimant requested a hearing on June 9, 2009, and department deleted FAP negative action 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).

Departmental policy states:

SHELTER EXPENSES

Allow a shelter expense when the FAP group has a shelter expense or contributes to the shelter expense. Do **not** prorate the shelter expense even if the expense is shared. Shelter expenses are allowed when billed. The expenses do **not** have to be paid to be allowed. PEM, Item 554, p. 9.

Claimant became homeless in May, 2009 and therefore could not be allowed shelter expenses, i.e. rent, heat and utilities, she did not have. Removal of these expenses from

claimant's FAP budget resulted in decrease in her FAP benefits. Claimant states she understands department's action and has no other comments.

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 June, 2009 the amount of FAP benefits claimant was entitled to receive, resulting in decrease in such benefits.

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: August 19, 2009

Date Mailed: August 20, 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.

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