

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: 2009-28990
Issue No: 3052
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 4, 2009
Muskegon 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 August 4, 2009. Claimant appeared and testified.

ISSUE

Did the Department of Human Services determine the proper amount of Food Assistance Program (FAP) benefits over issued to Claimant and recoup the proper amount from each monthly payment?

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 May 12, 2009, Claimant was sent a notice of overissuance. The Notice stated that Claimant had been over-issued \$166 of Food Assistance Program (FAP) benefits because Claimant requested his Food Assistance Program (FAP) benefits remain the same pending a

hearing. The requested hearing was in favor of the Department. At the time of the over-issuance Claimant's was married and his wife (Dorothy) was a member of the benefit group.

(2) On May 15, 2009, Claimant submitted a request for hearing. The only issue reviewable by an Administrative Law Judge is the amount of the over-issuance and the amount being recouped each month.

(3) In June, 2009 Claimant was eligible for \$501 in Food Assistance Program (FAP) benefits. Of that amount \$50 was recouped as payment on the over-issuance.

(4) In July, 2009 Claimant and his wife separated. Claimant was in a group of one and was eligible for \$16 of Food Assistance Program (FAP) benefits. Of that amount \$10 was recouped as payment on the over-issuance.

(5) In July, 2009 Claimant's wife, [REDACTED], established a separate Food Assistance Program (FAP) case.

(6) In August, 2009 Dorothy was eligible for \$418 in Food Assistance Program (FAP) benefits. Of that amount \$41 was recouped as payment on the over-issuance.

(7) On the date of this hearing there was an outstanding balance of \$65 on the over-issuance.

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).

After the circumstances and Department policy were discussed during the hearing, Claimant does not dispute the amount of the over-issuance or the amounts being taken from either his case or his wife's case. Claimant stated he will go ahead and pay the outstanding balance.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services determined the proper amount of Food Assistance Program (FAP) benefits over issued to Claimant and recouped the proper amount from each monthly payment.

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 20, 2009

Date Mailed: August 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.

GFH [REDACTED]

cc:

[REDACTED]