

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: 2009-3029

Issue No: 1015/3015

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

April 16, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 April 16, 2009. Claimant appeared and testified.

ISSUE

Did the Department properly determine Claimant had excess income for Food Assistance Program (FAP)?

FINDINGS OF FACT

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

1. On October 7, 2008 the Claimant reported new employment.
2. On October 10, 2008 the Department ran FAP budget and determined the Claimant had excess income. The Department initiated closure of the Claimant's FAP case.

3. On November 15, 2008 the Claimant's FAP case closed.
4. On November 26, 2008 the Claimant requested a 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) 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 the present case Claimant disputes the Department's closure of her FAP case. The Department did in fact run a budget which reflected the income for her household. The Department concluded the family had a monthly income of \$2436 in the FAP budget. When the Department completed the budget using this figure the Claimant's family was ineligible for FAP benefits. The Claimant agreed the income used was what she provided from her employer. The Claimant however failed to work as many hours as indicated and made less than reported. The Claimant was upset according to her that the Department had not told her to reapply for benefits. However the Department notice of case action clearly instructed the Claimant to reapply if her circumstances changed.

The Department properly ran budgets and determined the Claimant's family to be ineligible for FAP for excess income.

The Claimant had also requested a hearing regarding her FIP amount. The Department had decreased her FIP grant in prior to August of 2008. The Claimant had a

work stoppage during the period of August of 2008 and October 2008. The Department had already resolved this matter by adjusting the FIP budget for the period in question and granting a supplement for September 2008. The Claimant agreed that this issue had been resolved. Therefore this portion of the hearing is DISMISSED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department correctly budgeted and closed the FAP benefits and it is ORDERED that the Department's decision in this regard be and is hereby AFFIRMED.

/s/
Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 5/12/09

Date Mailed: 5/12/09

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 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 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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