

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: 2009-32538
Issue No: 3002
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 7, 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 telephone hearing was held on October 7, 2009. Claimant personally appeared and testified.

ISSUE

Did the department correctly determine the amount of Food Assistance Program (FAP) benefits that the claimant is entitled to receive?

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 and Medicaid recipient when her case came due for a review in July, 2009.
2. Claimant completed review form and reported no changes in income or shelter expenses on that form.

3. Department computed a new FAP budget based on claimant's RSDI of \$935 per month and her previously verified mortgage and utility expenses. The budget resulted in a FAP allotment of \$100 per month, unchanged from what the claimant was previously receiving.

Claimant was also continued on a Medicaid spend down.

4. Claimant was notified of department's actions on July 28, 2009, and requested a hearing on July 31, 2009.

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's income and shelter expenses were discussed with the claimant during the hearing. Claimant acknowledges that the income and shelter expenses used by the department on her FAP budget are correct. Claimant states that she does not receive enough FAP benefits because she has other expenses that she must use her RSDI for, and does not have enough money for food. While the claimant's predicament is understandable, department's FAP budget is correct and in accordance with departmental policy and federal regulations.

Claimant also is objecting to specialty services such as services of a podiatrist no longer being paid by Medicaid. This is an issue of federal and/or state funding that cannot be addressed by this Administrative Law Judge, as she does not have any jurisdiction over such funding.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly determined the amount of FAP benefits claimant is entitled to receive.

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: October 13, 2009

Date Mailed: October 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 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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