

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.: 2009-33728

Issue No.: 3002

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

April 5, 2010

Oakland County DHS (3)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a hearing was held in Walled Lake, Michigan on Monday, April 5, 2010. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly calculated the Claimant's Food Assistance ("FAP") benefits?

FINDINGS OF FACT

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

1. The Claimant is a FAP recipient.
2. Prior to July 2009, the Claimant submitted documentation to show that his monthly rental obligation had increased to \$322.00 effective July 1, 2009. (Exhibits 1, 2, 3)

3. The Department calculated the Claimant's monthly FAP allotment based on his previous rental obligation.
4. On August 4th and September 15, 2009, the Department received the Claimant's written Requests for Hearing.

CONCLUSIONS OF LAW

The Food Assistance Program, 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"), formerly known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Program Administrative Manual ("PAM")/Bridges Administrative Manual ("BAM"), the Program Eligibility Manual ("PEM")/Bridges Eligibility Manual ("BEM"), and the Program Reference Manual ("PRM")/Bridges Program Glossary ("BPG").

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. PAM/BAM 105 Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. PAM/BAM 130 Shelter expense is an allowable FAP expense. PEM/BEM 554 Housing expenses include rent, mortgage, a second mortgage, home equity loan, required condo or maintenance fees, lot rental or other payments including interest leading to ownership of the shelter occupied by the FAP group. *Id.*

In the instant case, the Claimant submitted verification (prior to July 2009) that his monthly rental obligation was increasing to \$322.00 effective July 1, 2009. The Department continued to use the previous rental expense which was lower than the new amount. The Department agreed to recalculate the Claimant's FAP allotment effective July 1, 2009 to include

the correct shelter expense. Based upon the foregoing facts and relevant law, it is found that the Department improperly calculated the Claimant's FAP allotment. Accordingly, the Department's determination is REVERSED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department improperly calculated the Claimant's FAP allotment effective July 1, 2009.

Accordingly, it is ORDERED:

1. The Department's FAP eligibility determination is REVERSED.
2. The Department shall, as agreed, recalculate the Claimant's FAP budget effective July 1, 2009 to include the rental obligation of \$322.00 in accordance with department policy.
3. The Department shall supplement for any lost benefits that the Claimant was entitled to receive if otherwise eligible and qualified.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 4/6/2010

Date Mailed: 4/6/2010

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.

CMM/jlg

cc:

