

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: 2010-14893
Issue No: 3002, 3003
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
February 10, 2010
Genesee 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 February 10, 2010. Claimant personally appeared and testified from her home telephone.

ISSUE

Did the department correctly determine the amount of Food Assistance Program (FAP) benefits that the claimant was 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's FAP application of October 20, 2009 was processed by Self Service Processing Center.

2. Claimant requested a hearing on December 23, 2009.

3. Claimant is disputing the amount of employment income and child support income department used to determine the amount of FAP benefits she was entitled to receive. Claimant is also objecting to the department not allowing her rent expense on the FAP budget, even though she states she provided verification of this expense.

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).

Department's representative at the hearing is not her regular worker. The representative has no idea what was actually done on claimant's case, as she has been placed in a position of participating in the hearing on short notice and without any knowledge of claimant's case. Hearing testimony indicates that it is possible that too much employment income was budgeted on claimant's FAP. Additionally, Bridges child support information may also be incorrect, as the claimant states she has a printout showing much less received child support per month. Lastly, no rental expense was allowed to the claimant even though she states she provided verification of the same.

This Administrative Law Judge is unable to determine if department's action was correct or not, due to conflicting information presented that cannot be explained by the department at the time of the hearing. A review of claimant's FAP case is in order.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department may have incorrectly determined the amount of FAP benefits she was entitled to receive.

Accordingly, department shall:

1. Schedule an appointment for the claimant to appear for an in office interview and bring in her documentation of employment and child support income for the months needed to determine her FAP eligibility based on October, 2009 application.
2. Review information provided by the claimant and compute new FAP budgets, also addressing rental expense claimant testified she provided verification of.
3. If the review establishes that the claimant did not receive all of the FAP benefits she was entitled to receive, issue the claimant a FAP supplement to cover such underpayment.
4. Notify the claimant in writing of the outcome of FAP case review. Claimant has the right to request another hearing upon the receipt of such notice, if she disagrees with department's action.

SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 13, 2010

Date Mailed: April 14, 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.

cc:

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