

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: 2010-1520
Issue No: 3002
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 4, 2009
Kalamazoo 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 November 4, 2009. Claimant personally appeared and testified.

ISSUE

Did the department correctly compute the amount of Food Assistance Program (FAP) benefits claimant was entitled to receive, resulting in decrease of such benefits for September, 2009?

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 recipient when her case came due for review. On August 10, 2009, department received claimant's redetermination application.

2. Department then completed a new FAP budget using the UCB income in the budget to include the \$25 weekly increase in such benefits given by the federal government to all UCB recipients.

3. FAP budget resulted in decrease in claimant's FAP benefits from \$200 per month to \$38 per month effective September, 2009. Department notified the claimant of this FAP allotment change and claimant requested a hearing on September 28, 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).

That claimant's UCB income must be budgeted on her FAP benefits is not in dispute. BEM 500. Claimant receives such benefits on a bi-weekly basis, and also expressed understanding that her bi-weekly UCB amount must be multiplied by 2.15 to arrive at the monthly income amount used for FAP. This is due to receipt of 3 checks for two months out of the year. Claimant objects to not being called by her caseworker when she tried to call her about the decrease in her FAP benefits. Claimant was apparently mailed a written explanation of what occurred but wanted to speak to the caseworker in person. Claimant states that her UCB income and her shelter expenses as used on the FAP budget are correct, but continues to complain that her caseworker did not return her telephone calls and did not speak to her in person.

The Administrative Law Judge explained to the claimant that while she has the authority to determine if the department applied policy, law and regulations correctly in handling her case, she has no authority over DHS staff. Administrative rules pertaining to rights to a hearing state that a complaint as to alleged misconduct or mistreatment by a state employee shall not be considered through the administrative hearing process, but shall be referred to the department personnel director. R 400.903(5). Claimant was advised that she must take up any complaints about DHS staff through DHS management channels.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly computed the amount of FAP benefits claimant was entitled to receive, resulting in decrease of such benefits for September, 2009.

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: November 6, 2009

Date Mailed: November 10, 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.

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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.

IR [REDACTED]

cc:

[REDACTED]