

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: 2010-17322

Issue No: 3002, 5006

Case No:

[REDACTED]

Load No:

[REDACTED]

Hearing Date:

April 1, 2010

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 April 1, 2010. Claimant personally appeared and testified.

ISSUE

1. Did the department correctly compute the amount of Food Assistance Program (FAP) benefits that the claimant was to receive for February, 2010?
2. Did the department correctly determine the amount of co-pay claimant had for State Emergency Relief (SER) program assistance with her rent?

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 she started receiving Unemployment Compensation Benefits (UCB).

2. On January 6, 2010 department computed a new FAP budget counting UCB benefits. This budget resulted in a FAP benefit decrease to affect February, 2010 FAP issuance.

3. Claimant was notified of the FAP decrease and requested a hearing on January 20, 2010. Department deleted FAP negative action pending the outcome of this hearing.

4. Claimant also applied for SER for help with her overdue rent, on December 29, 2009. Department processed claimant's application and issued a decision on January 7, 2010 telling her that she must pay \$1090.00 towards her rent to prevent eviction. Claimant requested a hearing on the SER decision on January 20, 2010 also.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

The State Emergency Relief (SER) program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, *et seq.*, and by final administrative rules filed with the Secretary of State on October 28, 1993. MAC R 400.7001-400.7049. Department of Human Services (DHS or department) policies are found in the State Emergency Relief Manual (SER).

FAP budget was discussed and reviewed during the hearing. Claimant states she now understands FAP determination and has no further issues with it.

As far as the SER determination, claimant has an issue with the department projecting her income for the next 30 days from the date of the budget, instead of taking into account her income during the period of time that she fell behind on her rent. Departmental policy states:

INCOME

DEPARTMENT POLICY

Establish the SER budget computation period and determine the SER group's net countable income. Refer to Item 208 for policy on determining the group's SER financial eligibility and their required co-payment. ERM, Item 206, p. 1.

COMPUTATION PERIOD

The SER budget computation period is 30 days. The first day is the date the local office receives a signed application for SER.

Example: The local office receives a signed application on November 16. The budget computation period is November 16 through December 15. ERM, Item 206, p. 1.

Department therefore correctly projected claimant's income for the 30 days following the date of application when determining her SER eligibility. As this projection included newly started UCB benefits, claimant was left with a \$1090 co-payment towards her overdue rental obligation. Claimant also noted that her total past due rental obligation was more than \$1144, however court judgment pertaining to the claimant's eviction amount was only for this amount. Department therefore had to use \$1144 for their computation.

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 for February, 2010, and also correctly computed claimant's SER co-payment.

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: April 5, 2010

Date Mailed: April 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 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 mailing 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:

