

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: 2010-19346
Issue No: 3002
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 10, 2010
Sanilac 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 March 10, 2010. Claimant personally appeared and testified.

ISSUE

Did the department issue the claimant the correct amount of Food Assistance Program (FAP) benefits?

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 the department computed a new FAP budget on January 26, 2010, adding his [REDACTED] to his case. [REDACTED] [REDACTED] income was also added to the FAP budget.

2. New FAP budget resulted in an increase in claimant's FAP benefits from \$116 to \$161 per month. Claimant was not happy with the amount of FAP and stated to the department he is not able to feed his child with this amount. (Department's Hearing Summary).

3. Claimant requested a hearing on January 28, 2010.

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).

Department's action was reviewed at the hearing. RSDI amount as obtained through computer matching with SSA is correct according to the claimant. Also correct is the amount of claimant's housing costs and heat/utility standard used by the department in the FAP budget. Claimant stated that he now understands how FAP amounts are figured, and that allotments are based on the federal regulations and cannot be changed by the department or this Administrative Law Judge.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department issued the claimant the correct amount of FAP benefits.

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: March 29, 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 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.

IR/om

cc:

