

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: 2010-23770
Issue No: 3002
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 30, 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 telephone hearing was held on March 30, 2010. Claimant and his wife personally appeared and testified.

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 applied for FAP benefits on January 11, 2010.
2. Department approved FAP benefits on January 13, 2010 in the amount of \$37 for January, 2010 and \$16 for February, 2010.
3. Claimant requested a hearing on February 16, 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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Hearing testimony indicates that the claimant is of the opinion that the department counted too much employment income of his wife when determining FAP eligibility. Comparison of pay check amounts for February 18, 2010 and those for March, 2010 to the pay check amounts considered by the department in their January, 2010 determination shows that they are not significantly different. However, what remains unknown after all of the income verifications and budgets were reviewed is why the claimant received more FAP benefits for January, 2010, \$37 to cover January 11, 2010 through January 31, 2010, than for February, 2010, \$16 to cover from February 1, 2010 to February 28, 2010. Department's representative states that she used the same exact income for January, 2010 as for February, 2010, and the Bridges computer system figured out allotment amount. While Bridges can be puzzling, human staff must still be able to explain what occurred and to figured out if the computer is wrong.

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 computed claimant's FAP allotment.

Accordingly, department's must do the following:

1. Review FAP issuance for January and February, 2010 and figure out why the claimant received more benefits for January, 2010 (based on proration from the date of application, January 11, 2010 to end of the month) then for the full month of February, 2010.

2. Re-do FAP budget based on new income information for February 18, 2010 and March, 2010 claimant brought to the hearing to see if the claimant is entitled to different amount of FAP bneefits.

3. Notify the claimant in writing of these determinations.

SO ORDERED.

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

Date Signed: April 6, 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.

cc:

[REDACTED]