

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.: 2010-24680

Issue No.: 3003

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

April 1, 2010

Wayne County DHS (35)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on March 10, 2010. The Claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS correctly reduced Claimant are Food Assistance Program (FAP) benefits beginning 1/2010?

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 an ongoing FAP recipient.
2. Claimant is part of a FAP group of two.
3. Claimant is not part of a senior, disabled or disabled veteran group.

4. DHS stopped budgeting Claimant's rent or utilities.
5. On 1/14/10, DHS notified Claimant of a reduction in FAP benefits from \$367/month to \$94/month.
6. Claimant submitted a hearing request on 1/25/10 regarding reduction of her FAP benefits to \$94/month due to DHS failure to budget Claimant's rent or utility obligation.

CONCLUSIONS OF LAW

The Food Assistance Program (formerly known as the Food Stamp 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 (formerly known as the Family Independence Agency) 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 Reference Tables Manual (RFT).

DHS testified that Claimant's FAP benefits were reduced from \$367 in 1/2010 to \$94/month in 2/2010. DHS testified that the reduction was caused by changing Claimant's rent and utility obligations to zero.

Claimant testified that she previously submitted a lease to DHS. DHS was unable to confirm or refute Claimant's statement because DHS did not have Claimant's file available for this hearing. Because Claimant also did not provide a lease or verification of shelter or utilities for the hearing, the undersigned cannot conclude that Claimant is responsible for rent and utilities.

DHS was not able to specifically identify why the rent and utility obligations were changed to zero. For example, it is not known whether Claimant failed to verify the expenses, or

whether Claimant submitted something that was unacceptable or some other reason which may have justified the change. DHS must minimally identify the circumstances that cause a reduction in benefits in order for a reduction to be upheld.

Because DHS is seeking to reduce Claimant's FAP, and DHS was unable to substantiate the basis for the reduction, it must be found that the FAP reduction was improper.

DECISION AND ORDER

The actions taken by DHS are REVERSED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly reduced Claimant's FAP benefits.



Christian Gardocki
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 4/8/2010

Date Mailed: 4/8/2010

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.

CG/jlg

cc:

