

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.: 2010-26023

Issue No.: 3003

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

April 8, 2010

Macomb County DHS (12)

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 April 8, 2010. Claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS correctly reduced Claimant's Food Assistance Program (FAP) benefits from \$89 in 2/2010 to \$47 in 3/2010?

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 qualifies as a senior for purposes of FAP benefits.

3. DHS was giving Claimant credit for paying a \$96.40 Medicare deductible for which Claimant was not responsible through 2/2010.
4. In 3/2010, DHS stopped giving Claimant credit for the Medicare deductible obligation.
5. DHS also stopped giving Claimant credit for payment of house insurance in 3/2010 because they were previously relying on the 2008 verification.
6. The change in medical expenses and shelter expenses caused Claimant's FAP benefits to be reduced from \$89 in 2/2010 to \$47 in 3/2010.
7. Claimant submitted a hearing request on 3/5/10 regarding reduction of 3/2010 FAP benefits.

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).

Claimant contended she knew someone who was a drug addict who received more FAP benefits than he should; somehow, that meant Claimant believed she should receive more FAP benefits. Claimant's argument is completely irrelevant to her FAP benefits. There is no DHS policy which states that knowing someone who might get more benefits than they should is an appropriate basis to protest a reduction in FAP benefits. If Claimant is truly upset by another FAP recipient's alleged fraud, she may report the alleged fraud to DHS for further investigation.


DHS explained that Claimant's FAP benefits were reduced for two reasons. For an unspecified period until 2/2010, DHS mistakenly gave Claimant credit for paying a \$96.40 Medicare premium. DHS was paying the premium, not Claimant. DHS appropriately removed the medical expense from Claimant's FAP budget. DHS complied with the requirements of BAM 220 in making the change.

The second reason for the reduction was removal of a property insurance expense from Claimant's FAP budget. DHS testified that they were relying on a 2008 verification in calculating Claimant's 2/2010 FAP benefits. For 3/2010, DHS expected something more current. The argument by DHS is reasonable. Housing insurance expenses generally change annually. DHS testified that Claimant's most recently reported insurance expense was from 2008. A 2 calendar year old verification for property insurance is found to be an obsolete verification for purposes of budgeting property insurance.

Claimant may still submit current verification of her annual property insurance premium to receive the credit in future months of her FAP budget. This matter was advised to Claimant during the hearing.

DECISION AND ORDER

The actions taken by DHS are AFFIRMED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly reduced Claimant's FAP benefits beginning 3/2010.



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

Date Signed: 4/13/2010

Date Mailed: 4/13/2010

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 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.

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