

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: 2010-27778
Issue No: 3002
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 5, 2010
Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 May 5, 2010. Claimant appeared and testified.

ISSUE

Did the Department of Human Services determine the proper amount of Claimant's 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 an ongoing recipient of Food Assistance Program (FAP) benefits. Claimant is a recipient of Retirement, Survivors, Disability Insurance (RSDI) and Supplemental Security Income (SSI) benefits. Claimant received \$ [REDACTED] of Food Assistance Program (FAP) benefits every month between June 2009 and through February 2010.

(2) On December 18, 2009, Claimant was sent a Notice of Over-Issuance which stated he had received \$ [REDACTED] of Food Assistance Program (FAP) benefits he was not entitled to between August 1 and October 31, 2009.

(3) On January 26, 2010, Claimant was sent a Notice of Case Action (DHS-1605) which stated his Food Assistance Program (FAP) benefits would be reduced to \$ [REDACTED] per month beginning March 1, 2010.

(4) On February 1, 2010, Claimant submitted a request for hearing about the reduction of his Food Assistance Program (FAP) benefits to \$ [REDACTED]

(5) On February 9, 2010, the Department received a Shelter Verification (DHS Form 3688) showing Claimant's rent obligation went from \$ [REDACTED] up to \$ [REDACTED]. A new financial eligibility budget was run and Claimant was sent a Notice of Case Action (DHS-1605) which stated his Food Assistance Program (FAP) benefits would be increased to \$ [REDACTED] per month beginning March 1, 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).

The Notice of Case Action (DHS-1605) which Claimant initially requested a hearing about indicates that his FAP financial eligibility budget should contain \$648 of unearned income.

The evidence submitted into the record indicates that for a period of 2009, Claimant's Food Assistance Program (FAP) financial eligibility budget did not include both his RSDI and SSI income. It appears the intent of the new financial eligibility budgets was to include both Claimant's RSDI and SSI unearned income. Income data for Claimant's RSDI and SSI income was submitted in the form of both BRIDGES print outs and SOLQ print outs. The data shows significant variation in Claimant's SSI income and an increase in his RSDI income which began in December 2009. This Administrative Law Judge made numerous unsuccessful attempts to determine why the financial eligibility budget contains \$ [REDACTED] of unearned income.

During this hearing Claimant questioned the amount shown in the Notice of Case Action (DHS-1605) dated February 9, 2010. It also includes an incomprehensible unearned income amount of \$ [REDACTED]. All the combinations of RSDI and SSI income in the data equal more than \$ [REDACTED]. Any State Supplemental payment makes the total even higher.

The evidence in this record indicates that the Department's calculations for Claimant's Food Assistance Program (FAP) benefits are incorrect.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services DID NOT determine the proper amount of Claimant's Food Assistance Program (FAP) benefits.

It is ORDERED that the actions of the Department of Human Services, in this matter, are REVERSED.

It is further ORDERED that the Department recalculate Claimant's Food Assistance Program (FAP) benefits for March and April 2010.

/s/

Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 11, 2010

Date Mailed: May 12, 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.

GFH/alc

cc:

[REDACTED]