

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201040998  
Issue No.: 3002  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date: August 2, 2010  
Wayne County DHS (82)

**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 held on August 2, 2010. The claimant appeared and testified; [REDACTED] also appeared and testified on behalf of Claimant. On behalf of the Department of Human Services (DHS), [REDACTED], Specialist, and [REDACTED], Manager, appeared and testified.

**ISSUES**

1. Whether Claimant is entitled to Food Assistance Program (FAP) benefits for a period prior to her application date.
2. Whether Claimant is entitled to more than \$84/month in 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 applied for FAP on 4/2009 through the MiCAP program.
2. Claimant reported that she was responsible for paying \$185/month in rent expenses.
3. DHS found Claimant eligible for \$84/month in FAP benefits.
4. DHS took no negative actions on Claimant's benefits and Claimant continued to receive the \$84/month in FAP benefits.

5. Claimant submitted a hearing request on 6/23/10 claiming that she is owed FAP benefits from the year 2000 and that she should receive an increased amount of 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 has been receiving FAP benefits since 4/2009. Claimant's contends that she is entitled to FAP benefits beginning with year 2000. Claimant provided some testimony about applying for FAP benefits and requesting a hearing at some long ago unspecified date. Claimant also testified she never received FAP benefits or received any notices from DHS regarding her application or hearing date. Claimant was unable to provide useful details such as approximate dates of her application or hearing requests and names of persons to whom she submitted applications or requests.

BAM 600 covers the DHS policy for administrative hearings including deadlines for clients to file hearing requests. Clients have 90 calendar days from the date of the written notice of case action to request a hearing. BAM 600 at 4.

In the present case, Claimant was not able to identify with any clarity when she first applied for FAP benefits. It is theoretically plausible that Claimant applied for FAP benefits in 2000 and DHS failed to take action on the application. A DHS failure to take action on a case would suspend the 90 day period that a client would have to request a hearing. However, it is simply not credible for a person to wait approximately ten years following an application to request a hearing or follow up on a previously submitted a hearing request. Claimant failed to submit any documents supporting her claim and her testimony was greatly lacking in detail. It is found that Claimant is not entitled to additional FAP benefits prior to 4/2009.

Claimant also contended that she is entitled to more than \$84/month in FAP benefits. Claimant testified that she lives in low-income housing and she is aware of other residents who receive more FAP benefits. Claimant's FAP benefits are not dependent on what her neighbors receive in FAP benefits. Claimant is entitled to FAP benefits based only on her own circumstances.

Claimant receives FAP benefits through Michigan Combined Application Project (MiCAP). MiCAP is a FAP benefit program that attempts to simplify procedural

requirements for Supplemental Security Income (SSI) recipients that receive FAP benefits. Some of the ways that MiCAP differs from the typical FAP benefits process include: a shorter application, a longer benefit period and dispensing with interviews and verifications.


MiCAP also changes the way in which FAP benefits are calculated. FAP benefits are calculated solely based on the recipient's shelter and utility expenses. If the expenses meet or exceed \$600 then the recipient is eligible for \$129/month in FAP benefits. If the expenses are below \$600, then the client is issued \$84/month in FAP benefits.

Claimant initially reported to DHS that she pays \$185 in monthly shelter and utility expenses. Claimant testified that she pays \$197/month in combined rent and utility expenses. In either case, Claimant's obligation is less than \$600/month which means that Claimant is entitled to \$84/month in FAP benefits. It is found that DHS properly calculated Claimant's FAP benefits.

### **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 calculated Claimant's FAP benefits to be \$84/month and that Claimant is not entitled to any additional FAP benefits prior to 4/2009.

/s/

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

Date Signed: August 5, 2010

Date Mailed: August 5, 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.

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