

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: 2010-6770
Issue No: 3015
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 5, 2010
Jackson 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 January 5, 2010. Claimant personally appeared and testified.

ISSUE

Did the department correctly determine that the claimant had excess income for Food Assistance Program (FAP)?

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 October 5, 2009. Claimant reported employment and child support income on her application.

2. Department completed a FAP budget based on employment income claimant does not dispute, and on child support income obtained through the BRIDGES system computer matching with Friend of the Court's (FOC) office. (Department's Exhibit 7).

3. Child support income obtained by the department shows that the claimant receives \$1,682 per month from the absent parent for her two children.

4. Department's FAP budget resulted in determination that the claimant had excess income for this program. Department denied claimant's FAP application on October 7, 2009. Claimant requested a hearing on October 15, 2009.

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).

That the department must budget claimant's employment and child support income when determining her FAP eligibility is not in dispute. BEM 500. Claimant however states that the amounts of child support budgeted by the department are not correct, as she only receives \$949.38 per month. Claimant has some of the information from FOC regarding her child support with her at the hearing that appears to show that she indeed does not receive the amount of child support as reported through the BRIDGES computer system.

Claimant did report on her application that she receives child support in half of the amount budgeted by the department, according to department's hearing representative. Secondly, it is possible that the information from the BRIDGES system is not correct, as some problems have existed with the system in other areas. Thirdly, claimant states that she called her caseworker regarding the amount of income budgeted by the department, but that she never received a call back. Even if this is not true, this Administrative Law Judge finds it appropriate that the claimant be given the opportunity to provide verification from FOC to establish what she received in child support to make certain that BRIDGES system is indeed correct. If BRIDGES was not correct, claimant should not be penalized for such occurrence.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department, while using BRIDGES system information, may not have computed FAP eligibility correctly for the claimant.

Accordingly, department shall:

1. Give the claimant 10 days to obtain child support payment information from FOC establishing the amount of child support she received for the months of July, August, September and October, 2009. Claimant is to report any problems/delays she may be having in getting this information in order to get an extension from the department to provide it.
2. Upon receipt of child support information, department is to compute another FAP budget based on claimant's October 5, 2009 application.
3. If the claimant is found to be eligible for FAP based on the new child support information, issue the claimant any such benefits she is entitled to based on October 5, 2009 application.

4. Notify the claimant of FAP eligibility determination, whether it is an approval or a denial.

SO ORDERED.

/s/

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

Date Signed: January 13, 2010

Date Mailed: January 19, 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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