

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: 2010-9492
Issue No: 3014
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 7, 2010
Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Keegstra

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 7, 2010. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly include the claimant's foster children in the Food Assistance Program (FAP) budget from June, 2009 through October, 2009?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. The claimant turned in a Change Report (DHS-2240) on June 24, 2009, reporting that two foster daughters had moved into her home. [REDACTED] moved into her home on June 7, 2009. [REDACTED] moved into her home on June 8, 2009, but ran away (and did not return) on July 27, 2009. (Department Exhibit 1 – 2).

2. [REDACTED] was added to the claimant's FAP case as of June 7, 2009.

(Department Exhibit 5).

3. [REDACTED] was not added to the claimant's FAP group because she was in another FAP group and wasn't removed before she ran away from the claimant's home.

(Department Exhibit 10).

4. On September 15, 2009, the claimant submitted an application for another foster daughter, [REDACTED], to receive FAP benefits.

5. [REDACTED] was added to the claimant's FAP group in November, 2009, but a supplement was issued to the claimant for October to include [REDACTED] (Department Exhibit 14 -15).

6. The claimant submitted a hearing request on November 12, 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).

Department policy states:

FAP Only

You must act on a change reported by means other than a tape match within 10 days after you are aware of the change.

Benefit Increases: Changes which result in an increase in the household's benefits must be effective no later than the first allotment issued 10 days after the change was reported, provided any necessary verification was returned by the due date. A supplemental issuance may be necessary in some cases. If necessary verification is **not** returned by the due date, take appropriate action based on what type of verification was requested. If verification is returned late, the increase must affect the month after the verification is returned.

In this case, the claimant experienced several changes with the group composition for her FAP benefits. Her foster daughter, [REDACTED] moved into the house on June 7, 2009. [REDACTED] moved into the house on June 8, 2009. The claimant did not report either of these changes until June 24, 2009.

[REDACTED] was another individual's case and left the claimant's home on July 27, 2009, so the claimant did not receive any benefits for Savanna. Department policy prohibits two FAP groups to receive benefits for the same individual. BEM 212. Thus, the claimant would not have been eligible to receive benefits for [REDACTED] until the month after she was removed from the other program group. However, the claimant left the home before that occurred.

[REDACTED] was properly added to the claimant's FAP case after being reported on June 24, 2009. The department has 10 days to complete the action after being reported by the claimant. As this brought the department into July, [REDACTED] addition would take effect on the next benefit issuance, or for the month of August, 2009. Documentation does show that [REDACTED] was added to the claimant's FAP group beginning the month of August, 2009.

The claimant turned in another application on September 15, 2009, requesting to add [REDACTED] to her case. [REDACTED] was added to the group beginning the month of November, 2009. The department's standards of promptness provide ten days for the department to act on the change. The change should be included by the next benefit issuance. In this case, Lynzi should have been active on the case in October, not November. However, this issue was

already corrected by the department and the claimant was issued a \$142 FAP supplement for Lynzi (on November 16, 2009) for the month of October, 2009.

Therefore, the documentation does establish that the department did properly process each of the changes reported by the claimant.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly included the claimant's foster children in the Food Assistance Program (FAP) budget from June, 2009 through October, 2009.

Accordingly, the department's actions are UPHELD. SO ORDERED.

/s/

Suzanne L. Keegstra
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 1, 2010

Date Mailed: March 2, 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.

SLK 

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