

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: 2010-12589  
Issue No: 3003  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
January 13, 2010  
Gratiot 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 13, 2010. The claimant personally appeared and provided testimony. Although the claimant had indicated on her hearing summary that [REDACTED] would be representing her, she indicated at the hearing that he would not be attending.

ISSUE

Did the department properly budget the claimant's Food Assistance Program (FAP) benefits beginning in November, 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 submitted a Semi-Annual Contact Report in May, 2009. The claimant reported that she was working at [REDACTED], but that she was done at [REDACTED] until July, 2009. (Department Exhibit 1 - 2).

2. The claimant paid \$727.37 in mortgage expense and was given the \$555 heat/utility standard. (Department Exhibit 3 – 5).

3. The department budgeted the [REDACTED] self-employment income [REDACTED] income from [REDACTED] and income from [REDACTED]. The department also budgeted income for [REDACTED]. (Department Exhibit 10 – 15).

4. [REDACTED] employer, [REDACTED], completed a Verification of Employment form (DHS-38) on July 14, 2009, that indicated the claimant's paycheck amount and stated she would be employed until December, 2009. (Department Exhibit 17 – 20).

5. [REDACTED] receives child support for two children in the amount of 111.50 per month per child. (Department Exhibit 31 – 32).

6. The claimant submitted a hearing request on December 2, 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 requires all clients to report all changes in circumstances that potentially affect eligibility or benefit amounts within 10 days. BAM 105. Changes that must be reported include income stopping and starting. BAM 105.

In this case, the claimant indicates that she reported to the department that her income with [REDACTED] had ended. The claimant testified that she called the department and reported that her employment with [REDACTED] had ended for the growing season about November 12 or 13, 2009. The claimant is employed with [REDACTED] seasonally and usually works from about March to May and from September to November.

The department worker testified that there was no phone message received by the claimant indicating that her employment had ended. The department further testified that the Verification of Employment form (DHS-38) filled out by [REDACTED], lists the claimant's employment to be from March to December, 2009. The department also pointed out that the claimant did not report that she was earning income from [REDACTED] until June 1, 2009.

This Administrative Law Judge advised the claimant to turn in Change Reports each time she started or ended her seasonal employment. This will notify the department that they can remove the seasonal income (once verified that it has ended). The claimant was encouraged to complete a Change Report after the hearing to notify the department of her seasonal work with [REDACTED] ending as of November 12 or 13, 2009. This will allow the department to send out a Verification of Employment to the employer and get confirmation that the seasonal work has ended.

#### DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly budgeted the claimant's FAP benefits as of

November, 2009. Once the department receives verification that the claimant's seasonal work has ended for now, the department can remove that portion of the claimant's income.

Accordingly, the department's decision is UPHELD. SO ORDERED.

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

Date Signed: March 9, 2010

Date Mailed: March 10, 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 

cc:

