

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: 2010-13498
Issue No: 3003
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 27, 2010
St Clair 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 hearing was held on January 27, 2010. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly determine 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's benefit amount was based in part on self-employment income he reported in March 2009.
- (2) In October, 2009 Claimant began receiving Supplemental Security Income (SSI).

(3) On November 2, 2009, the SSI was added to Claimant's Food Assistance Program (FAP) financial eligibility budget. No other changes were made in the budget. Claimant was sent a Notice of Case Action (DHS-1605) which stated his Food Assistance Program (FAP) benefits would be reduced from \$54 down to \$16.

(4) On November 10, 2009, Claimant submitted a request for hearing.

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).

At the hearing Claimant did not dispute receiving the SSI income. There was no shelter expense in the budget and at this hearing Claimant did not dispute that part of the budget. Claimant asserted the self-employment income should not be in the financial eligibility budget because it did not exist anymore. Claimant testified that he dropped off two or three papers back during the summer that showed that he was not receiving income through his paypal account so the Department should have removed the self-employment income. Claimant was unable to specify the dates he left this information. Claimant stated he could recreate the documents and wished to submit them into evidence for consideration. The record was left open in order to receive the evidence.

Claimant submitted a print out labeled “All Activity – Jan 1, 2009 to Jan 27, 2010”. The read out shows “Payment From” activity during every month. The Department also submitted 4 pages of information that were found in Claimant’s case file. The information in the case file does have month and day dates but no year dates. The three columns of what appear to be dollar values are not labeled. One of the three columns has a value consistently in the thousands.

The information which Claimant submitted, and was in his case record does not provide any type of communication which could be interpreted as a requirement for a Department case worker to change Claimant’s Food Assistance Program (FAP) financial eligibility budget. In the absence of a specific communication that Claimant’s self-employment income was highly variable, the Department was under no requirement to try and monitor fluctuations in Claimant’s self-employment income.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly determined Claimant’s Food Assistance Program (FAP) benefits.

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

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

Date Signed: February 23, 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.

GFH [REDACTED]

cc:

[REDACTED]