

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: 2010-14425

Issue No: 3002

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

February 4, 2010

Menominee 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 February 4, 2010. Claimant personally appeared and testified along with his wife

[REDACTED]

ISSUE

Did the department correctly compute the amount of Food Assistance Program (FAP) benefits claimant was entitled to receive?

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 a FAP recipient when the department received a review form on November 13, 2009, as the claimant's case came due for a case review.

2. Claimant's caseworker then computed a new FAP budget including claimant's earned income. This budget resulted in a FAP decrease from \$387 to \$243 per month.

3. Claimant was notified of FAP decrease on November 19, 2009 and requested a hearing on November 30, 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Department provided the Hearing Summary and a Bridges Eligibility Summary for this hearing. Eligibility Summary shows that claimant received \$387 in FAP benefits for October, 2009 based on group size of 4, \$508 for November, 2009 based on a group size of 3, and \$243 for December, 2009 based on household of 3. Hearing testimony reveals that claimant's son who was receiving SSI left the household sometimes in October, 2009. Department's representative however cannot explain with certainty as to why claimant's FAP benefits were \$508 for November and \$243 for December, 2009. It also appears, again based only on hearing testimony as no documentation for the Administrative Law Judge's review has been provided, that claimant's shelter expenses have not been correctly included on the budget. Lastly, claimant states that his wages include mileage reimbursement. Departmental policy does

address such reimbursement as a possible deduction from earned income, and claimant's caseworker stated he will review this mileage reimbursement. BEM 500, p. 7 and 8.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department incorrectly computed the amount of FAP benefits claimant was entitled to receive, based on the hearing testimony.

Accordingly, department is to:

1. Review claimant's alleged mileage reimbursement and determine if this reimbursement should have been excluded from claimant's earned income in accordance with BEM 500, p. 7 and 8.
2. Determine if claimant's shelter has been correctly budgeted.
3. Review FAP budgets for October, November and December, 2009 to figure out why the claimant received more FAP benefits for November, 2009 when the group size was 3 versus October, 2009 when the group size was 4, and also if the FAP allotment for December, 2009 is correct.
4. If after review of the FAP benefits it is determined that the claimant did not receive all of the benefits he was entitled to receive, issue the claimant any such benefits in a form of a supplement.
5. Notify the claimant of department's determinations, including an explanation for October, November and December, 2009 FAP allotment amount.

SO ORDERED.

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

Date Signed: February 18, 2010

Date Mailed: February 18, 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 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

IR [REDACTED]

cc: [REDACTED]