

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: 20101445
Issue No: 3002
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 12, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

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 conducted from Detroit, Michigan on November 12, 2009. The Claimant appeared and testified. Patrice Jones, FIM, appeared on behalf of the Department.

ISSUES

Whether the Department properly transferred Claimant's case to Inkster County?

Whether the Department properly determined the amount of Claimant's Food Assistance ("FAP") benefits based on the group members living in the home?

FINDINGS OF FACT

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

1. Claimant was an active FAP recipient.
2. Claimant was receiving approximately \$300.00 per month in food stamps.
3. In April, 2009, the Claimant's case was transferred to the Inkster district office.

4. The Department testified that according to the zip code realignment guide, Claimant's case should properly be at the Schoolcraft office.
5. Claimant attempted to remove her son off her case in February, 2009.
6. Claimant testified that her son is 19 years old, still living at home and attending college.
7. Claimant testified that her mother, who is paralyzed, lives in Claimant's household, and that Claimant buys and prepares food for her mother.
8. Claimant testified that she receives \$1066.00 in RSDI per month. Claimant's three minor children receive \$324.00 per month.
9. Claimant testified that her mother receives \$1015.00 per month is RSDI.
10. Claimant testified that she pays rent in the amount of \$750.00 per month. Claimant is also responsible for electric, gas and water bills.
11. Claimant testified that her mother has ongoing monthly medical expenses that are not covered by health insurance.
12. The Bridge's strike team reviewed Claimant's FAP case and determined that Claimant should be receiving \$500 in FAP benefits. Claimant's benefits were adjusted.
13. No supplement for previous months was paid to Claimant.
14. Claimant believes that her FAP benefits have been off since her re-determination in February of 2009. Claimant testified that she tried to get the issue addressed, but the Inkster office did not have any budgets.
15. The Department did not have Claimant's full file available. Furthermore, the Department did not have any FAP budgets available for reference.
16. The Department received Claimant's hearing request on October 12, 2009.

CONCLUSIONS OF LAW

The Food Assistance Program, 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”), formally known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Program Administrative Manual (“PAM”), the Program Eligibility Manual (“PEM”), and the Program Reference Manual (“PRM”).

FAP benefits are paid based on an individual’s family group. The relationship of the people who live together affects whether they must be included or excluded from the group. People included in the group include spouses and children (natural, step and adopted) who purchase and prepare food together. Parents and their children under 22 years of age who live together must be in the same group regardless of whether the child has his/her own spouse or child who lives with the group. PEM 212, p. 1. The relationship(s) of the people who live together affects whether they must be included or excluded from the group. In order to determine a group composition, the Department must first determine if the individual must be included in the group. If they are not mandatory group members, the Department must determine if the individuals purchase and prepare food together or separately. PEM 212, p. 1.

In the subject case, the evidence shows that Claimant’s 19 year old son was living in the Claimant’s household. Under the regulations cited above, Claimant’s son is a mandatory group member. In addition, according to Claimant’s testimony, she buys and prepares food for her mother. Therefore, the mother should also be a group member. Claimant was advised that the mother’s income will be added to the FAP budget. Claimant was also advised that the Department may need copies of verifications even if Claimant has already provided same. It is

impossible to determine whether the Department properly calculated FAP benefits as no budget was provided.

Based upon the foregoing facts and relevant law, it is found that the Department's determination is REVERSED.

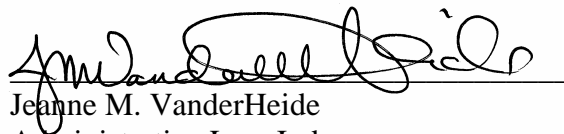
DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department improperly calculated Claimant's FAP benefits based on not including Claimant's mother in the FAP group.

Accordingly, it is ORDERED:

1. The Department's FAP calculation is REVERSED.
2. The Department shall reprocess Claimant's FAP case from February, 2009 - November, 2009 using the budget factors as set forth above.
3. The Department shall supplement Claimant with any lost benefits she was otherwise entitled to receive.
4. Claimant shall provide the Department with verification of her Medical expenditures as well as other verifications if the Department is unable to locate the verifications already submitted by Claimant.

It is further ORDERED that Claimant's case shall be immediately transferred to the Schoolcraft office pursuant to Department regulations.



Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 11/23/09

Date Mailed: 12/04/09

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.

JV/dj

cc:

