

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: 2010-15193
Issue No: 3002
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
February 17, 2010
Branch 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 17, 2010. Claimant did not appear. Claimant's [REDACTED] appeared and testified.

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 completed a Semi-Annual review in December, 2009, after the review form and current employment check stubs were provided by the claimant.

2. Claimant's husband requested a hearing on December 23, 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).

Departmental budgets were reviewed with the claimant and he has no objections to the income department budgeted at the time of the semi-annual review in December, 2009. Claimant however has a rather peculiar request in that he states that he had to go to [REDACTED] on an emergency basis and could not work from October 6, 2009 until November 9, 2009. Claimant, while admitting he did not report being out of the country to the department in a timely manner, is of the opinion that the department was somehow to know he did not receive any income for this short period of time, leave him on the FAP case while he was in [REDACTED] and out of [REDACTED] for over 30 days, but issue additional FAP benefits immediately for this period of time. Departmental representative states that she did not even receive any verification that the claimant was not working until November 12, 2009, 3 days after he had already returned to work.

Departmental policy requires that the department complete changes for increase in benefits within 10 days of receiving verification of stopped/change in income, to affect next regular FAP issuance. BEM 505. Claimant provided verification of his stopped income in November, 2009, and would have therefore not been entitled to an increase in benefits until

December, 2009. However, claimant had already returned to work on November 9, 2009 and received his regular earnings for the remainder of November, 2009 and for December, 2009.

Claimant is therefore not entitled to any increase in FAP benefits.

DECISION AND ORDER

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

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

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

Date Signed: April 13, 2010

Date Mailed: April 14, 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.

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