

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: 2010-161
Issue No: 3015
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 29, 2009
Kent 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 October 29, 2009. Claimant personally appeared and testified.

ISSUE

Did the department properly deny claimant's Food Assistance Program (FAP) application in August, 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. On August 10, 2009, claimant applied for FAP benefits and stated during her interview that the only person with income in her household was a [REDACTED]. Claimant further stated that her employment at [REDACTED] ended on August 3, 2009.

2. On August 12, 2009, department received a Verification of Employment (DHS-38) form for the claimant faxed from the [REDACTED]. This form indicated that the claimant was still permanently employed as a deli clerk, and that she was expected to work 23 or fewer hours per week at \$7.60 per hour. Income information up to August 14, 2009, pay date was also provided. (Department's Exhibits 16 and 17).

3. Department also received a DHS-38 for [REDACTED] verifying his employment income. (Department's Exhibits 18 and 19).

4. Department then computed a FAP budget which resulted in excess income for this program. Claimant was notified of FAP denial on August 24, 2009 and requested a hearing on September 3, 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 policy requires that the department verify income. Employment income may be verified with pay stubs, copy of work schedule made by the employer and provided by the client when rate of pay is known, DHS verification of employment forms, and other written statement signed by the employer giving the necessary information. BEM 500.

In claimant's case, department received verification of employment form (DHS-38) faxed directly from her employer. This form indicated that the claimant was still employed and gave no indication that her job ended, as she stated in the FAP interview. Department therefore correctly budgeted claimant's employment income when computing her FAP eligibility, based on the information received directly from her employer.

Claimant states that her employer made a mistake, but understands that this is not the fault of her caseworker. Claimant can certainly re-apply for any assistance she feels she needs at the present time, if she has already not done so.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly denied claimant's FAP application in August, 2009.

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: November 9, 2009

Date Mailed: November 10, 2009

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.

2010-161/IR

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.

IR [REDACTED]

cc:

[REDACTED]