

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: 2010-17329
Issue No: 3002
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 4, 2010
Muskegon 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 March 4, 2010. Claimant personally appeared and testified.

ISSUE

Did the department correctly reduce the amount of Food Assistance Program (FAP) benefits claimant was receiving in December, 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. Claimant was a FAP recipient when the department re-figured the amount of FAP benefits he was entitled to receive.
2. Department then determined that the claimant's FAP benefits were to be reduced due to his child support and shelter expenses decreasing.

3. Claimant was notified of the FAP reduction on December 17, 2009 and requested a hearing on December 21, 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).

Department's hearing representative states at the onset of the hearing that the claimant has provided verification of his child support payments at the end of February, 2010. This verification (apparently a deduction from his Social Security payments) establishes that the child support expense used by the department and obtained from department's computer matching system in December, 2009 is incorrect. The claimant does pay more in child support expenses than what the department allowed in December, 2009 FAP budget that lead to FAP decrease. Department's representative states that the claimant's FAP budget shall be refigured back to December, 2009 determination.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department, by the testimony of department's hearing representative, incorrectly reduced claimant's FAP benefits in December, 2009.

Accordingly, department's action is REVERSED. Department shall:

1. Re-compute claimant's FAP benefits with correct amount of child support expenses back to December, 2009 date of previous incorrect FAP budget.
2. Issue the claimant any FAP benefits he was entitled to receive.
3. Notify the claimant of the new FAP benefit amount determination. Claimant reserves the right to request another hearing if he disagrees with department's new determination.

SO ORDERED.

/s/

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

Date Signed: March 9, 2010

Date Mailed: March 17, 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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