

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: 2010-24546  
2010-28052

Issue No: 3002

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:  
April 29, 2010  
Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 April 29, 2010. Claimant had two separate hearings scheduled and following an inquiry by Claimant authorized hearing representative both hearings were scheduled for one time slot. The two files contained 3 separate Hearing Summarys and eight separate requests for hearing. Claimant and her authorized hearing representative appeared and testified.

ISSUE

Did the Department of Human Services determine the proper amount of Claimant's Food Assistance Program (FAP) benefits beginning 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 July 8, 2009, Claimant submitted an application for Family Independence Program (FIP) and Food Assistance Program (FAP) benefits. The application showed three members in the household: Claimant; ██████████ Claimant's 21 year old daughter; and ██████████ ██████████, Claimant's 22 year old daughter. The application indicated the only income for the group was Claimant's Supplemental Security Income (SSI). Claimant requested benefits for her daughters but did not disclose their income from Social Security Administration benefits.

(2) On August 25, 2009, Claimant submitted a request for hearing on a DHS Form 18. Claimant wrote that her concern was her Food Assistance Program (FAP) benefits going from \$██████ for a group of three to \$██████. There is no evidence in the record showing Claimant ever received \$██████ of FAP benefits. There is evidence that Claimant's FAP benefit was changed to \$██████ beginning 8/1/09. The financial eligibility budget submitted shows a group size of one and unearned income of \$██████. The income data submitted by the Department is insufficient to determine how much Claimant should have received in Food Assistance Program (FAP) benefits.

(3) On August 31, 2009, Claimant submitted a request for hearing on the issue of a State Emergency Relief (SER) application dated July 29, 2009. During this hearing Claimant testified that the issues from that request were satisfactorily resolved and there is no need for a hearing regarding that SER application.

(4) On September 14, 2009, Claimant moved into a new apartment.

(5) On October 13, 2009, Claimant submitted a request for hearing on page 5 of 6 of

a Notice of Case Action (DHS-1605) dated 9/14/09. Claimant testified that she got \$ [REDACTED] of FAP benefits in September. On the request for hearing Claimant wrote that she only has \$ [REDACTED] of income and does not understand where the Department got \$ [REDACTED] of income. The income data submitted by the Department is insufficient to determine how much Claimant should have received in Food Assistance Program (FAP) benefits.

(6) On November 20, 2009, Claimant submitted a request for hearing on page 4 of 4 of a Notice of Case Action (DHS-1605) dated 10/17/09. Data submitted into evidence shows that Claimant received \$ [REDACTED] of FAP benefits in October 2009. The FAP financial eligibility budget submitted shows \$ [REDACTED] of income but again the income data submitted by the Department is insufficient to determine how much Claimant should have received in Food Assistance Program (FAP) benefits.

(7) On November 30, 2009, Claimant submitted a request for hearing on page 4 of 4 of a Notice of Case Action (DHS-1605) dated 10/27/09. Data submitted into evidence shows that Claimant received \$ [REDACTED] of FAP benefits in November 2009. The FAP financial eligibility budget submitted shows \$ [REDACTED] of income but again the income data submitted by the Department is insufficient to determine how much Claimant should have received in Food Assistance Program (FAP) benefits.

(8) On December 3, 2009, Claimant submitted a request for hearing on page 4 of 4 of a Notice of Case Action (DHS-1605) dated 11/28/09. At this hearing Claimant testified that the notice was about applications that her daughters had submitted and for some reason the notices were sent to her (Claimant) incorrectly. Claimant testified there were no issues involving her benefits to be resolved from this request for hearing.

(9) On January 22, 2010, submitted a hand written request for hearing regarding her

Food Assistance Program (FAP) benefits.

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).

After working through all the evidence and information in chronological order, the consistent issue Claimant has is the amount of her food stamps. Claimant testified that she was not receiving any child support; the State was taking all the payments coming through the Friend of the Court (FOC). The record was left open and an additional 79 pages of evidence was submitted. Claimant submitted documents showing that all child support arrearages received by FOC were paid to the State. The Department did not submit sufficient evidence to determine what amounts were included in Claimant's various FAP financial eligibility budgets.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services DID NOT determine the proper amount of Claimant's Food Assistance Program (FAP) benefits beginning in August 2009.

It is ORDERED that the actions of the Department of Human Services, in this matter, are REVERSED.

It is further ORDERED that the Department of Human Services recalculate Claimant's Food Assistance Program (FAP) benefits beginning with August 2009, using actual income and expenses. Any benefits Claimant was otherwise eligible for but did not receive shall be supplemented.

/s/

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Gary F. Heisler  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: May 11, 2010

Date Mailed: May 12, 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.

GFH/alc

cc:

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