

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.: 2010-2874
Issue No.: 3019
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
December 17, 2009
Wayne County DHS (41)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a hearing has held in Detroit, Michigan on Thursday, December 17, 2009. The Claimant appeared, along with [REDACTED], and testified. The Claimant was represented by [REDACTED] of [REDACTED] [REDACTED] and [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly calculated the Claimant's Food Assistance ("FAP") benefits?

FINDINGS OF FACT

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

1. The Claimant is a FAP recipient.
2. In June of 2009, the Claimant notified the Department of a change of address.

3. On June 4, 2009, the Department sent the Claimant a verification checklist requesting shelter information. (Exhibit 1)
4. On or about June 14, 2009, after not receiving the requested shelter verification, the Department notified the Claimant that her benefits would be reduced effective June 30, 2009. (Exhibit 2)
5. The Claimant's FAP benefits were reduced to \$16.00 for the month of July 2009. (Exhibit 4)
6. On July 10, 2009, the Department received the Claimant's request for hearing. (Exhibit 6)
7. On July 16, 2009, the Department received the Claimant's shelter verification. (Exhibit 3)
8. On this date, July 16th, the Department recalculated the Claimant's FAP allotment to include the Claimant's monthly shelter and utility obligations. (Exhibit 5)
9. At this time, the Claimant received child support and unemployment compensation income. (Exhibit 5)
10. Effective August 2009, the Claimant received a monthly FAP allotment of \$122.00. (Exhibit 7)
11. Although the Claimant had cooperated with child support, the Claimant's FAP budget included a child support sanction thus the group size was one versus two.

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”).

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. PAM 105 Verification means documentation or other evidence to establish the accuracy of the client’s verbal or written statements. PAM 130 The client must obtain the required verification, however, the Department must assist if needed and/or requested. PAM 105; PAM 130 Clients are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verifications. PAM 130 If the client cannot provide the verification despite a reasonable effort, the time limit should be extended no more than once. PAM 130 A negative action notice should be sent when the client indicates a refusal to provide the verification or the time period provided has lapsed and the client has not made a reasonable effort to provide it. PAM 130

All countable earned and unearned income available to the client must be considered in determining the Claimant’s eligibility for program benefits. PEM 500 The Department must consider the gross benefit amount before any deduction, unless Department policy states otherwise. PEM 500

In the record presented, the Department notified the Claimant of a FAP benefit reduction based upon the failure to return the requested shelter verification. The Claimant testified that she had turned in a total of three however the record only contained one. Additionally, a child support sanction was imposed on the Claimant (even though she was receiving child support income) however the Claimant was in compliance with the Office of Child Support. Ultimately,

the Department agreed to recalculate the Claimant's benefits to include the Claimant's monthly shelter/utility obligation and the removal of the child support sanction.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department's negative action is reversed.

Accordingly, it is ORDERED:

1. The Department's negative action is REVERSED.
2. The Department, as agreed, shall recalculate the Claimant's FAP benefits by including the Claimant's shelter/utility obligation and by removing the child support sanction.
3. The Department shall notify the Claimant and her representative of the determination in accordance with department policy.
4. The Department shall supplement for any lost benefits the Claimant was entitled to receive if otherwise eligible and qualified.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 12/30/09

Date Mailed: 12/30/09

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.

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cc:

