

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: 20106342
Issue No: 3002
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 7, 2010
Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

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 telephone hearing was conducted on January 7, 2010. The Claimant appeared and testified. Lashona Callen, AP worker and Roslyn Boyle, ES Supervisor appeared on behalf of the Department.

ISSUE

Whether the Department properly processed the Claimant's Food Assistance ("FAP") group change and subsequent benefit increase?

FINDINGS OF FACT

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

1. The Claimant was an active FAP recipient.
2. Claimant's 18 year old stepdaughter moved into Claimant's home on [REDACTED]. Prior to moving, Claimant's stepdaughter was on her mother's FAP case.
3. Claimant testified that she reported the change to her caseworker with a change report form on 9/16/09. Claimant failed to include her phone number on the form.

However, Claimant testified that her phone number has not changed in three years. (Exhibit 2).

4. Claimant was never informed that any type of verification was required to add her stepdaughter to the FAP group.
5. The Department indicated that Claimant's phone number was in Claimant's file, but that the Department failed to follow up with Claimant regarding the requested change.
6. On 10/19/09, Claimant had her stepdaughter complete a DHS 1171 which was filed in the Department office on 10/21/09.
7. The addition to Claimant's group did not take place until 11/5/09 effective 12/1/09.
8. The Claimant filed a request for a hearing on October 29, 2009.

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").

Changes which result in an increase in the household's benefits must be effective no later than the first allotment issued 10 days after the date the change was reported, provided any necessary verification was returned by the due date. A supplemental issuance may be necessary

in some cases. If verification is returned late, the increase must affect the month after verification is returned. BEM 220, p. 5.

In the present case, the Claimant attempted to report the change on September 16, 2009 when Claimant submitted a change form. The Department never requested any further information or verifications. Furthermore, the Department did not act on the request for a month and a half which caused a delay in Claimant receiving additional benefits. Had the Department effected the change within 10 days as required, Claimant would have received additional FAP benefits 10/1/09.

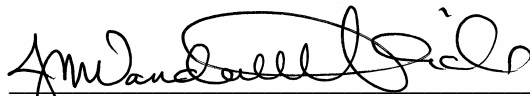
Accordingly the Department's delay caused Claimant to miss out on increased benefits for the months of October and November, 2009. Therefore, the Department's determination to increase FAP benefits effective December, 2009 is REVERSED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, determines that the Department improperly increased Claimant's FAP benefits effective December, 2009 rather than October, 2009.

Accordingly, it is ORDERED:

1. The Department's FAP action effective 12/09 is REVERSED.
2. The Department shall effectuate the 12/09 FAP increase as of October 1, 2009 and supplement the Claimant for any lost benefits she was otherwise entitled to receive.



Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 01/19/10

Date Mailed: 01/20/10

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.

JV/dj

cc:

