

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: 2010-973
Issue No: 3002
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 27, 2009
Muskegon 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 hearing was held on October 27, 2009. Claimant appeared and testified.

ISSUE

Did the Department of Human Services determine the proper amount of Claimant's Food Assistance Program (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) Claimant is an ongoing recipient of Food Assistance Program (FAP) benefits. Claimant's benefit group consists of herself, [REDACTED], and their two children in common. [REDACTED] receives Unemployment Compensation Benefits (UCB).

██████████ has Court ordered child support obligations for two children in another home as well as for the two children in the benefit group.

(2) On September 23, 2009, the Department ran a financial eligibility budget due to an increase in ██████████ Unemployment Compensation Benefits (UCB). The budget showed that Claimant is eligible for a Food Assistance Program (FAP) allotment of \$215.

(3) Claimant was sent notice of the Department's determination.

September 30, 2009, Claimant submitted a request for hearing.

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).

During the hearing Claimant raised the issue of the accuracy of the group's income. It is undisputed that ██████████ pays out child support to Friend of the Court for the two children in the home, and that Claimant receives the child support back from the Friend of the Court. It is undisputed that ██████████ Unemployment Compensation Benefits (UCB) is the only external source of funds coming into the home. Claimant asserts the income attributed to the group is too high.

██████████ receives \$774 of Unemployment Compensation Benefits (UCB) every two weeks. The monthly amount for budgeting is $\$774 \times 2.15 = \1664 . On the Bridges budget print

out the groups total income amount is \$2112. That amount is \$448 more than [REDACTED] Unemployment Compensation Benefits (UCB). Examination of other information from the Bridges print outs shows that the average monthly child support paid to Friend of the Court by [REDACTED], and returned to Claimant, is \$447. The Department representatives at the hearing testified that the computer was coded to show that [REDACTED] child support for the two children in the home is coming back into the home. For that reason, the \$447 is not subtracted as a child support deduction. (It is noted that the amount of child support [REDACTED] pays for the two children outside his home is subtracted as a child support deduction.) Theoretically the \$447 of child support should cancel out because it is being taken out and put back in. However, the numbers on the Bridges budget print out indicate that the \$447 child support is being added to the group's income, but is not being deducted. Whether by mistake of data entry; different last names, or computer programming, the budget in this case does not cancel out the \$447 child support payment.

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.

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

It is further ORDERED that the financial eligibility budget be redone.

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

Date Signed: October 20, 2009

Date Mailed: October 30, 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.

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 

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