

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

**IN THE MATTER OF:**

[REDACTED]

Reg. No. 201119794  
Issue No. 3002  
Case No. [REDACTED]  
Hearing Date: March 14, 2011  
Wayne County DHS (17)

**ADMINISTRATIVE LAW JUDGE:** Christian Gardocki

**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 held on March 14, 2011. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], appeared and testified.

**ISSUE**

Whether DHS, in compliance with an administrative order, properly updated Claimant's shelter obligation since 4/2010 as it affects Food Assistance Program (FAP) benefits.

**FINDINGS OF FACT**

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

1. Claimant was an ongoing FAP benefit recipient.
2. Claimant verified a \$650/month shelter obligation which should have affected Claimant's FAP benefits beginning 4/2010.
3. An administrative hearing was held on 7/19/10 concerning whether DHS properly included Claimant's \$650/month shelter obligation to determine Claimant's FAP benefits.
4. The subsequent administrative order held that Claimant and DHS agreed that Claimant's shelter obligation was not properly budgeted and that DHS would correct the error by redetermining Claimant's FAP benefits from an unspecified date by budgeting the \$650/month shelter obligation.

5. DHS failed to comply with the administrative order.
6. On 1/15/11, Claimant requested a hearing disputing the alleged failure by DHS to supplement Claimant's FAP benefits from 4/2010.

### **CONCLUSIONS OF LAW**

The Food Assistance Program (formerly known as the Food Stamp 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 (formerly known as the Family Independence Agency) administers the FAP program pursuant to Michigan Compiled Laws 400.10, *et seq.*, and Michigan Administrative Code R 400.3001- 3015. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RTM). Updates to DHS regulations are found in the Bridges Policy Bulletin (BPB).

When an administrative decision requires a case action different from the one originally proposed, a DHS-1843, Administrative Hearing Order Certification, is sent with the decision and order. BAM 600 at 32. DHS is to complete the necessary case actions within ten calendar days of the mailing date noted on the hearing decision. *Id.*

Claimant requested a hearing disputing an alleged failure by DHS to update her FAP benefits from 4/2010 per an administrative order that DHS rebudget Claimant's FAP benefits to include a \$650/month shelter obligation. The primary basis for Claimant's belief that DHS never budgeted her rental obligation was that her FAP benefits originally decreased from \$712 to \$574 beginning 6/2010 and DHS never supplemented Claimant's FAP benefits after DHS was administratively ordered to budget \$650 in shelter expenses.

Claimant's basis for believing that she is owed FAP benefits is fallacious. Having a shelter obligation budgeted in a FAP benefit determination may increase a client's FAP benefits, but it is possible that it would not change the benefit amount. Thus, Claimant cannot claim with certainty whether DHS did or did not adjust her shelter obligation.

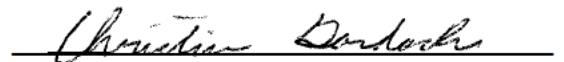
DHS contended that Claimant's shelter obligation was added for all necessary FAP benefit months. The best evidence to confirm the DHS contention would be to look at the FAP benefit budget from a time when DHS allegedly updated Claimant's FAP benefits. During the hearing, DHS was asked to provide an "Excess Shelter" budget from 8/2010 to support the claim that Claimant's FAP benefits were updated to include the \$650 shelter obligation. Instead, DHS relied on a "Shelter Expenses-Details" page which showed a \$650 amount inputted for shelter obligation; the undersigned puts no value in this document.

Following the hearing, DHS sent an "Excess Shelter" budget page (Exhibit 4) which indeed verified that Claimant's FAP benefits for 8/2010 were based on a \$0 shelter obligation. This document verified that DHS failed to correct Claimant's FAP benefits as DHS originally contended. It is found that DHS failed to credit Claimant's FAP benefits

with a \$650 monthly shelter expense effective 4/2010 as required by the administrative order stemming from an administrative hearing dated 7/19/10. As several months have passed since the administrative hearing of 7/19/10 and Claimant has yet to have her FAP benefits redetermined to include the shelter expense, it is expected that DHS shall comply with the administrative order as quickly as possible.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS failed to redetermine Claimant's FAP benefits effective 4/2010 based on a \$650 shelter obligation per administrative order. It is again ordered that DHS redetermine Claimant's FAP benefits beginning 4/2010 and each month thereafter when Claimant's shelter expenses were not factored. Claimant shall be supplemented for any benefits not received due to the DHS failure to budget a \$650 monthly shelter obligation. The actions taken by DHS are REVERSED.

  
Christian Gardocki  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: 03/28/11

Date Mailed: 03/30/11

**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.

CG/dj

cc:

[REDACTED]