

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No. 2011-41184
Issue No. 3002
Case No. [REDACTED]
Hearing Date: August 11, 2011
Ingham County DHS

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

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, an In Person hearing was held on August 11, 2011.

ISSUE

Was FAP monthly reduction from \$269 to \$263 correctly established?

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 June 23, 2011, the DHS processed the claimant's June redetermination and reduced the claimant's monthly FAP amount from \$269 to \$263 based on an unearned monthly income of \$1,686 with a standard deduction of \$141, medical expenses of \$559, and shelter expenses of \$640 for a net income of \$346.
2. The DHS had used information of expenses furnished by the claimant for the above June determination.
3. The claimant submitted expense information in claimant's Exhibits A1 through 5, claiming they had not been included in the DHS redetermination; and that he had mailed documentary expense statements to the DHS which had not been considered.

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).

Facts above are undisputed.

The DHS representative testified to a step-by-step process as how she used the claimant's furnished household's monthly gross income, and allowable shelter and medical expenses in arriving at this reduced monthly FAP amount.

The claimant introduced Claimant Exhibit A1 which was an expense which had already been allowed. A2 was an expense related to the claimant's wife which had never been submitted and verified before. A3, A4, A5 expenses had never been submitted and verified before. The claimant claims that he had mailed related expenses to the DHS; and that the DHS received these statements and did not use them in the redetermination.

The DHS denied any knowledge of the claimed expenses by the claimant.

The claimant had the burden of proof to establish the mailed statements were actually mailed; and that the DHS representative had received them. The claimant has not sustained his burden of proof.

Therefore, this ALJ finds that the monthly FAP redetermination was correct based on the necessary competent, material, and substantial evidence on the whole record.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that FAP monthly reduction from \$269 to \$263 was correctly established.

Accordingly, FAP reduction is UPHELD.

William A Sundquist

William A. Sundquist
Administrative Law Judge
For Maura D. Corrigan, Director
Department of Human Services

Date Signed: August 22, 2011

Date Mailed: August 22, 2011

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.

WAS/tg

cc:

