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

IN THE MATTER OF:



Reg. No: 2011-5161 Issue No: 3002 Case No: Load No: Hearing Date: December 9, 2010 Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Morris

HEARING DECISION

This matter is before the undersigned Admini strative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notic e, a telephone hearing was held on December 9, 2010. The claimant app eared and provided testimony.

ISSUE

Did the department properly budget the claimant's shelter expenses?

FINDINGS OF FACT

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

- On October 22, 2010, the claimant submitted a copy of his lease and Shelter Verification form (DHS-3688), showing a \$ rent expense. (Department Exhibit 10 – 13)
- 2. The department budgeted the expense to effect the December, 2010 Food Assistance Program (FAP) budget. (Department Exhibit 17 20)
- 3. The claimant submitted a hear ing request on November 3, 2010.

CONCLUSIONS OF LAW

The Food Assistanc e Program (FAP) (formerly known as the Food Stamp (FS) program) is establis hed by the Food St amp Act of 1977, as amended, and is

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implemented by the federal r egulations 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

The claimant is disput ing the action of t he department that did not include his reported shelter expense until the De cember, 2010 FAP issuance. The claimant s ubmitted a Shelter Verification form (DHS-3688) and a copy of his lease on October 22, 2010. The claimant's December, 2010 F AP benefits were t he first month that the shelter exp ense was reflected.

Department policy states that the department must act on a change reported within ten days after becoming aware of the change. BAM 220. Changes which r esult in an increase in the househol d's benefits are effective the fi rst allotment issued ten days after the change was reported. BAM 220.

In this case, the claimant reported t he change on October 22, 2010. The department has ten days to act on the information, which would be November 1, 2010. This is the benefit period for November, so the change would be effective the next issuance, or December 1, 2010. The change was effective for the December, 2010 issuance. Thus, the department properly acted on the reported change.

DECISION AND ORDER

The Administrative Law Judge, based upon t he above findings of fact and conclusion s of law, decides the department proper Iy budgeted the claimant's shelter expenses.

Accordingly, the department's determination is UPHELD. SO ORDERED.

Suzanne

<u>/s/</u>

L. Morris Administrative Law Judge for Ismael Ahmed, Director Department of Human Services

Date Signed: December 14, 2010

Date Mailed: December 14, 2010

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NOTICE: Administrative Hearings may or der a rehearing or reconsideration on either its own motion or at t he request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hear ings will not orde r a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

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