

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-52079
Issue No.: 3003
Case No.: [REDACTED]
Hearing Date: December 1, 2011
DHS County: Macomb (50-36)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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, an in-person hearing was held on December 1, 2011, in Sterling Heights. Claimant appeared and testified. The Department of Human Services (Department) was represented by [REDACTED].

ISSUE

Whether the Department of Human Services (DHS or Department) properly determined 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. On August 5, 2011, Claimant was sent a verification checklist as part of FAP.
2. On August 15, 2011, Claimant failed to provide the requested verifications.
3. On August 17, 2011, the Department completed a budget which resulted in a September 2011 benefit reduction.
4. On September 1, 2011, Claimant requested a hearing.

CONCLUSIONS OF LAW

FAP 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 administers FAP 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 Bridges Reference Manual (RFT).

In the instant case, Claimant requested a hearing due to a decrease in his FAP benefits. As part of a FAP review, Claimant submitted income verification. Claimant was sent a verification checklist requesting proof of shelter cost. Claimant failed to supply this information by the due date. The Department completed a FAP redetermination utilizing the pay stubs provided and without any shelter expense.


Claimant contested the new FAP amount. Upon reviewing the Department budget, it was discovered the Department had only deducted \$156.27 for child support payments. Claimant actually pays \$145.06 per paycheck for child support. The remaining parts of the budget appear correct. As Claimant had failed to provide proof of shelter expense at the time of review, no shelter expense could be allowed. Claimant's income appears correctly determined in accordance with Department policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department improperly determined Claimant's FAP benefits.

Accordingly, the Department's decision is hereby REVERSED and the Department is ORDERED to:

1. Complete a new FAP budget back to September 1, 2011 (the effective date of the original budget change) utilizing the appropriate child support payments;
2. Supplement Claimant for any loss in FAP benefits, if necessary.
3. The Department shall inform Claimant of the determination in writing.



Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: December 7, 2011

Date Mailed: December 7, 2011

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS will not order a rehearing or

reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request. (60 days for FAP cases)

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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

JWO/pf

cc:

