

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████,

Claimant

Reg. No. 2009-33072

Issue No: 3000

Case No. ██████████

Load No. ██████████

Hearing Date:

September 14, 2009

Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Colleen Lack

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400.9; MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on September 14, 2009. Claimant appeared and testified. Claimant's mother, ██████████, also appeared and testified. Alicia Pryor, ES, and Mary Strand, FIM, appeared on behalf of the department.

ISSUE

Is claimant receiving the correct monthly Food Assistance Program (FAP) allotment?

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 was an ongoing recipient of MA benefits in a household of 2 persons.
2. Claimant returned a re-determination packet which was processed on July 7, 2009.
3. Claimant receives unemployment compensation benefits of \$396 bi-weekly.

4. Claimant receives child support of \$500 monthly.
5. Claimant had obligations for shelter and utility expenses.
6. Effective July 2009 the department recalculated claimant's FAP budget and determined that claimant is entitled to \$168 in FAP benefits per month.
Department Exhibit 2 pgs. 4 and 8.
7. Effective August 2009 the department recalculated claimant's FAP budget to correct the shelter expense figure and determined that claimant is entitled to \$136 in FAP benefits per month. Department Exhibit 2 pg. 3 and 7.
8. Claimant requested a hearing contesting the amount of the FAP grant.
9. At the hearing the Department agreed to accept verifications of additional shelter and utility expenses and re-determine eligibility for the FAP benefits retroactive to July 2009.
10. As a result of this agreement, claimant indicated that she no longer wished to proceed with the hearing.

CONCLUSIONS OF LAW

The Food Assistance Program, 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"), formally known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Program Administrative Manual ("PAM"), the Program Eligibility Manual ("PEM"), and the Program Reference Manual ("PRM").

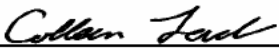
Under Program Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is

illegal. The agency provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the agency receives a hearing request and continues through the day of the hearing.

In the present case claimant is contesting the amount of her monthly FAP allotment. At the hearing, the department agreed to accept verifications of additional shelter and utility expenses and re-determine eligibility for FAP benefits retroactive to July 2009. As a result of this agreement, claimant indicated she no longer wished to proceed with the hearing. Since the claimant and the department have come to an agreement it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department and claimant have come to a settlement regarding claimant's request for a hearing. Therefore it is ORDERED that the department accept verifications of additional shelter and utility expenses and re-determine eligibility for FAP benefits retroactive to July 2009 and award benefits to claimant, if appropriate, in accordance with this settlement agreement.



Colleen Lack
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 10/05/09

Date Mailed: 10/06/09

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.

CL/dj

cc:

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