

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Claimant

Reg. No: 2009-36034

Issue No: 3000

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 13, 2009

Marquette County DHS

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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, a telephone hearing was held on October 13, 2009. Claimant appeared and testified. Dale Schneider, Program Manager, appeared on behalf of the department.

ISSUE

Did the Department of Human Services (DHS) properly calculate claimant's eligibility for Food Assistance (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) Claimant was an ongoing recipient of FAP benefits in a household of two persons.

(2) Claimant attended a redetermination appointment on August 3, 2008 and informed the department that she and her husband were no longer together due to a domestic violence issue.

(3) The Department recalculated the FAP budget with the husband removed from the FAP group and determined that claimant was entitled to a monthly FAP allotment of \$16, effective September 2009.

(4) On August 25, 2009, the claimant filed a hearing request contesting the FAP determination.

(5) On September 3, 2009, claimant spoke with the department and explained she was back together with her husband.

(6) The Department added the husband back into the FAP group and recalculated the FAP budget determining that claimant was entitled to a monthly FAP allotment of \$67, effective October 2009.

(7) Claimant still has objections to the shelter and utility expenses used in the FAP budgets because they do not reflect a June change in rent and utility obligations.

(8) At the hearing the Department agreed to reprocess the FAP budgets utilizing the new rent and utility obligations retroactive to at least August 2009, and possibly earlier depending on when the department received the shelter and utility verifications.

(9) 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 (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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manuals.

Under Bridges 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 monthly FAP allotment as calculated by the department. At the hearing, the department agreed to reprocess the FAP budgets utilizing the new rent and utility obligations retroactive to at least August 2009, and possibly earlier depending on when the department received the shelter and utility verifications. 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 re-determine claimant's FAP eligibility, utilizing the new rent and utility obligations, retroactive to at least August 2009, and possibly

earlier depending on when the department received the shelter and utility verifications awarding benefits to claimant, if appropriate, in accordance with this settlement agreement

/s/

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

Date Signed: October 15, 2009

Date Mailed: October 15, 2009

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/cv

cc:

