

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.: 2010-1319
Issue No.: 3008
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
January 20, 2010
Oakland County DHS (2)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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, a telephone hearing was held on January 20, 2010. The Claimant appeared and testified. [REDACTED] FIM appeared on behalf of the Department.

ISSUE

Was it proper for the Department to close Claimant's Food Assistance benefits in November 2009?

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 February 25, 2009 the department determined claimant's FAP benefits to be \$176 per month effective February 1, 2009.

- (2) On September 15, 2009 a verification checklist with a September 25, 2009 due date was sent to Claimant requesting verification of her checking account, medical expenses, and RSDI.
- (3) Claimant's FAP benefits closed in November 2009. No notice was given explaining the closure.
- (4) The Department conceded at hearing that Claimant's benefits closed in error and agreed to reinstate benefits back to the date of closure.
- (5) Claimant requested a hearing on September 18, 2009.

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").

In the present case, the Department closed Claimant's FAP benefits in error in November 2009. No notice was given to the Claimant explaining the basis for the closure. Claimant may have received an overpayment due to the Department's failure to include her RSDI income when determining her benefit amount, but that issue has not yet been noticed and cannot be addressed as part of this decision.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department improperly closed Claimant's FAP benefits. Accordingly, the Department's determinations are REVERSED; Claimant's FAP benefits shall be reinstated as of the date of closure.



Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 3/24/2010

Date Mailed: 3/24/2010

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.

AM/jlg

cc:

