

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: 201014951

Issue No: 3000

Case No: ██████████

Load No: ██████████

Hearing Date:

February 17, 2010

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

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 hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on February 17, 2010. The Claimant was present and testified along with her son, ██████████. Christann Miller, FIS and Tina Seals, FIM, appeared on behalf of the Department.

ISSUE

Whether the Department properly recouped money from Claimant's Food Assistance Program ("FAP") benefits for a August through October, 2009 overissuance?

FINDINGS OF FACT

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

1. Claimant was an active FAP recipient.
2. Following an annual redetermination, Bridges discovered an over-issuance.

3. The Department acknowledged that Bridges incorrectly found Claimant to be ineligible for FAP benefits for the month of September, 2009.
4. At the hearing, the Department acknowledged that, based on budgets prepared by the Department, Claimant's over-issuance was only \$23.00 per month totaling \$69.00.
5. The Department agreed that since the over-issuance was less than \$120.00, the Department should not have recouped and agreed to supplement Claimant for the recoupment taken out of her FAP benefits during the months of January and February, 2010.
6. As a result of this agreement, Claimant indicated that she no longer wished to proceed with a 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 (formerly known as the Family Independence Agency) 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).

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.

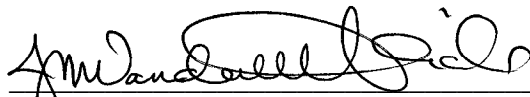
In the present case, the Department has agreed to reverse the recoupment action as Claimant's total amount of over-issuance was only \$69.00. The Department has further agreed to supplement Claimant for the \$30.00 already recouped from Claimant's January and February, 2010 FAP benefits. As a result 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 findings of fact and conclusions of law, finds that the Department and Claimant have come to a settlement regarding claimant's request for a hearing.

Accordingly, it is ORDERED that:

1. The Department shall reverse the recoupment action initiated against Claimant as Claimant's total over-issuance was \$69.00 for the months of August through October, 2009.
2. The Department shall supplement the Claimant for any lost benefits she was otherwise entitled to receive.



Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 03/10/10

Date Mailed: 03/11/10

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.

JV/dj

cc:

