

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: 201015779

Issue No: 3000

Case No: ██████████

Load No: ██████████

Hearing Date:

February 25, 2010

Oakland 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 a hearing. After due notice, a telephone hearing was conducted on February 25, 2010. The Claimant appeared and testified. ██████████

██████████ FIS, appeared on behalf of the Department.

ISSUE

Whether the Department properly stopped the Claimant's Food Assistance ("FAP") benefits due to a delay in processing.

FINDINGS OF FACT

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

1. The Claimant was an active FAP recipient.
2. Due to a delay in processing Claimant's semi-annual review, Claimant's FAP benefits were stopped on 1/10/10.

3. The Department reactivated Claimant's benefits on 1/13/10 and supplemented Claimant for all benefits missed.
4. Claimant testified that she is not missing any FAP benefits.
5. Claimant filed this appeal. The Department received the Claimant's Request for Hearing on January 11, 2010. The hearing request referenced "food assistance and case worker actions."

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 Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Reference Tables ("RFT").

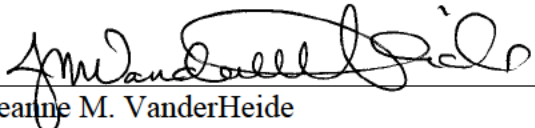
In the present case, the Department acknowledged that there was a delay in processing Claimant's semi annual review and FAP benefits were terminated by mistake. However, the Department has already corrected its actions and Claimant is not currently suffering any loss. Based upon the foregoing facts and relevant law, therefore, this hearing request is dismissed with prejudice.

Claimant further raised the issue of Family Independence Program ("FIP") benefits indicating that she is consistently denied FIP benefits due to income. As Claimant's hearing request did not reference FIP benefits, a FIP denial was not addressed at the hearing. The Administrative Law Judge advised Claimant that she can file a hearing request within 90 days of

any negative action and the negative action will be then by reviewed by an Administrative Law Judge.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department has already corrected its error and Claimant is not suffering any loss of benefits. Accordingly, this hearing request is dismissed with prejudice.


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

Date Signed: March 18, 2010

Date Mailed: March 18, 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.

JV/hw

cc:

