IN THE MATTER OF: ▮▮▮▮▮▮

Claimant

Reg. No.: 2010-20062
Issue No.: 3015
Case No.: ▮▮▮▮
Load No.: ▮▮▮▮
Hearing Date:
March 18, 2010
Macomb County DHS (20)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

SETTLEMENT 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 from Detroit, Michigan on March 18, 2010. The Claimant appeared and testified. On behalf of Department of Human Services (DHS), ▮▮▮▮▮, Specialist, appeared and testified.

ISSUE

Whether DHS correctly budgeted Claimant's Unemployment Compensation (UC) income for 2/2010 Food Assistance Program (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 FAP recipient.

2.   DHS was notified on their database that Claimant received Unemployment Compensation (UC) benefits.

3.   Claimant's UC payment was a one-time payment for one week in 12/2009 and not an ongoing benefit.

4.   DHS had no way to know that Claimant's UC was a one-time only payment.

5.   DHS began budgeting UC and employment income for Claimant.

6.   DHS found Claimant ineligible for FAP based on excess income beginning the month of 2/2010.

7.   Claimant submitted a hearing request on 1/29/10 protesting the closure of FAP.

8.   DHS and Claimant agreed that Claimant's income was incorrectly budgeted and that DHS would reevaluate Claimant's FAP beginning in budget month 2/2010.

<div align="center">CONCLUSIONS OF LAW</div>

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 Reference Tables Manual (RFT).

Under BAM 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. DHS provides an administrative hearing to review the decision and determine if it is appropriate. Efforts to clarify and resolve a client's concerns start when DHS receives a hearing request and continue through the day of the hearing.

In the present case, the parties reached an agreement. The settlement appears to be consensual and comply with DHS policy. The undersigned is not inclined to overrule the wishes of the parties. The below order reflects the contents of the settlement.

DECISION AND ORDER

The actions taken by DHS are REVERSED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that Claimant's FAP case closed in error. It is ordered that DHS shall reconsider Claimant's FAP eligibility beginning with month 2/2010.

Christian Gardocki
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: __4/1/2010__

Date Mailed: ___4/1/2010__

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 cannon 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.

CG/jlg

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