

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.: 2010-24377
Issue No.: 3000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
April 1, 2010
Macomb County DHS (36)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws Sections 400.9 and 400.37 and Claimant's request for a hearing. After due notice, a hearing was held on April 1, 2010. [REDACTED], appeared and testified on behalf of the Department of Human Services (DHS). Claimant appeared and testified at the hearing.

ISSUE

Does DHS properly seek recoupment of \$336 in Food Assistance Program (FAP) benefits due to an overissuance to Claimant from October, 2009-January, 2010?

FINDINGS OF FACT

The Administrative Law Judge, based upon competent, material and substantial evidence in the record, and on the entire record as a whole, makes the following findings of fact:

1. Claimant is a FAP recipient, and DHS failed to budget Claimant's earnings until February, 2010, although Claimant provided verification in August, 2009.

2. A four-month overissuance of \$336 to Claimant resulted from DHS error.
3. DHS seeks recoupment of \$336 from Claimant in this hearing.
4. On February 22, 2010, Claimant filed a request for a hearing with DHS.
5. At the hearing, Claimant agreed to repayment provided a suitable payment plan could be arranged.

CONCLUSIONS OF LAW

FAP was established by the Food Stamp Act of 1977 and is implemented by Federal regulations found in Title 7 of the Code of Federal Regulations (CFR). DHS administers FAP pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code Rules 400.3001-3015. DHS' FAP policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT). These manuals are available online at www.mich.gov.

Bridges Administrative Manual Item 600 states that clients have the right to contest any DHS 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. DHS policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when DHS receives a hearing request and continues through the day of the hearing.

At the hearing, Claimant agreed to repay DHS the full amount provided a repayment plan could be arranged. Based on Claimant's representations, DHS indicated it was willing to settle the matter and that it no longer wished to proceed with the hearing. Since Claimant and DHS have reached a settlement agreement, it is unnecessary for the Administrative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Administrative Law Judge concludes that DHS and Claimant have come to a settlement regarding Claimant's request for a hearing. Therefore, it is ORDERED that Claimant repay to DHS the overissuance of FAP benefits of \$336 which he received in October, 2009-January, 2010, providing for a suitable repayment arrangement between the parties.



Jan Leventer
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 9, 2010

Date Mailed: April 12, 2010

NOTICE: The law provides that within 30 days of receipt of the above Decision and Order the claimant may appeal it to the circuit court for the county in which he/she lives. Administrative Hearings, on its own motion, or on request of a party within 30 days of the receipt of this Decision and Order, may order a rehearing. Administrative Hearings will not order a rehearing on the agency's motion where the final decision or rehearing cannot be implemented within 90 days of the filing of the original hearing request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

JL/pf

cc:

