

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: 2010-43464

Issue No: 3052

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

August 10, 2010

Eaton County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on August 10, 2010. Claimant appeared and testified.

ISSUE

Did the Department of Human Services over issue Claimant \$ [REDACTED] of Food Assistance Program (FAP) benefits during the period of February 1, 2010 through April 30, 2010 which the Department is entitled to recoup?

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 recipient of Food Assistance Program (FAP) benefits.
- (2) On December 7, 2009, Claimant began employment.
- (3) On January 21, 2010, the Department received Claimant's pay stubs for the period

12/7/09 through 1/2/10.

(4) On March 25, 2010, Claimant's income was updated in the BRIDGES computer program. Bridges generated an over issuance notice to Claimant.

(5) On March 29, 2010, Claimant submitted a request for hearing.

(6) The record of this hearing was left open in order to allow the Department to submit additional evidence necessary to establish the amount of the asserted over issuance. As of the date this Decision and Order is being signed no additional evidence has been received.

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 (DHS or department) 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).

In this case the evidence is insufficient to determine whether or not Claimant was over issued Food Assistance Program (FAP) benefits. In Administrative Law hearings on Department of Human Services' case actions, the Department has an initial burden to show their action is correct in accordance with law and policy. If that initial burden is not met, the Department action cannot be upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department has not established that Claimant was over issued \$ [REDACTED] of Food

Assistance Program (FAP) benefits during the period of February 1, 2010 through April 30, 2010 which the Department is entitled to recoup.

It is ORDERED that the actions of the Department of Human Services, in this matter, are REVERSED.

/s/

Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 23, 2010

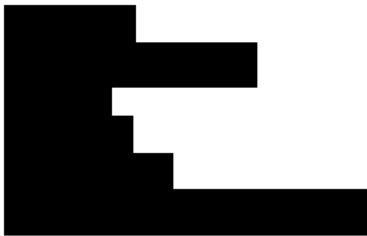
Date Mailed: August 24, 2010

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.

GFH/alc

cc:

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