

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201044333
Issue No.: 3000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: August 18, 2010
Wayne County DHS (43)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 held on August 18, 2010. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

Whether the undersigned has jurisdiction to decide a matter in which Claimant has suffered no loss in 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 applied for Family Independence Program (FIP) and Food Assistance Program (FAP) benefits on 6/23/10.
2. Claimant received FAP benefits for 6/2010 and 7/2010.
3. On 7/13/10, DHS denied Claimant's application for FIP due to excess-income and terminated Claimant's FAP benefits for 8/2010 due to a failure of Claimant to verify her 19 year old son's employment income.
4. On 7/16/10, Claimant requested a hearing concerning denial of her FIP benefits and closure of her FAP benefits.

5. Prior to 8/1/10, Claimant reapplied for FAP benefits and was approved and issued FAP benefits intended to cover the entire month of 8/2010.
6. Claimant testified that she does not intend to dispute the FIP benefit denial.

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 CML 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 Bridges Reference Manual (BRM).

BAM 600 lists the circumstances in which a hearing may be granted. The circumstances are: denial of an application and/or supplemental payments, reduction in the amount of program benefits or service, suspension or termination of program benefits or service restrictions under which benefits or services are provided or delay of any action beyond standards of promptness. BAM 600 at 3.

In the present case, Claimant's hearing request disputed a 7/2010 termination of her FAP benefits; this is an appropriate circumstance to request a hearing. Prior to the FAP benefit closure, Claimant received the full amount of her 7/2010 FAP benefits.

Following the denial of FAP benefits, Claimant reapplied for FAP benefits and was approved. Claimant reapplied on or prior to 8/1/10 and received a FAP benefit issuance to cover all of 8/2010. As a result of her reapplication, Claimant suffered no lapse in FAP benefits. The undersigned lacks jurisdiction to determine a matter in which there was no loss in benefits. Pursuant to MAC R 400.906 and 400.903, Claimant's hearing request is DISMISSED, because Claimant is no longer aggrieved by a department action.

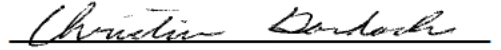
DECISION AND ORDER

Claimant's hearing request is DISMISSED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that Claimant has not presented

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any disputed issues which relates to a loss in benefits.

/s/


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

Date Signed: August 26, 2010

Date Mailed: August 26, 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.

CG/ hw

cc:

