

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.: 2010-47545
Issue No.: 3003
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 9, 2010
Wayne County DHS (41)

ADMINISTRATIVE LAW JUDGE: Lynn Ferris

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 September 9, 2010. The claimant appeared and testified. [REDACTED], ES and [REDACTED], FIM appeared on behalf of the Department.

ISSUE

Did the Department Properly Compute the Claimant's FAP budget to account for changes in earned and unearned income?

FINDINGS OF FACT

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

1. The claimant is a current recipient of FAP benefits.
2. In April 2010 the claimant's stopped receiving unemployment benefits but the benefits continued to be included in her unearned income for purposes of computing her FAP budget and benefits.
3. Additionally, the claimant's earned income was affected when her employment ended. The department did not properly account for the changes in earned income.
4. The Department agreed to recalculate the claimant's FAP budgets retroactive to April 2010 to account for the changes in both earned and

unearned income and to issue supplements for FAP benefits the Claimant was otherwise entitled to receive.

5. As a result of this agreement at the hearing the claimant no longer wished to proceed with the hearing with regard to the FAP issues.

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).

Under Bridges Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The agency provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the agency receives a hearing request and continues through the day of the hearing.

In the present case the Department has agreed to recalculate the claimant's FAP budgets retroactive to April 2010. The department further agreed to issue supplements to the claimant for FAP benefits she was otherwise entitled to receive based upon the corrected earned and unearned income figures. The claimant will be required to provide verification of beginning and ending of employment.

Since the Claimant and the Department have come to an agreement it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Administrative Law Judge, based upon the agreements reached between the Department and the Claimant is not required to make a decision based upon the facts and issues in this case.

Accordingly, it is ordered:

1. The Department shall recompute the Claimant's FAP budgets beginning with the April 2010 FAP budget through the date of the hearing to properly account for changes in unearned income, consisting of unemployment benefits improperly included in the claimant's FAP budget, and shall also correct any errors with regard to earned income received by the claimant and include only the correct and actual amounts of earned income when re-computing the claimant's FAP budget.
2. The Department also agreed to the issue supplements to the Claimant for any FAP benefits she was otherwise entitled to receive during the period April 2010 through the date of the hearing.
3. The Claimant shall provide the department verification of the beginning and ending of any employment during this period April 2010 through the date of the hearing.



Lynn Ferris
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 9/9/2010

Date Mailed: 9/9/2010

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 of the rehearing decision.

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