

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.: 2010-48569
Issue No.: 3003
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 16, 2010
Wayne County DHS (17)

ADMINISTRATIVE LAW JUDGE: Lynn M. 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 16, 2010. The claimant appeared and testified. [REDACTED], FIM, and [REDACTED], Family Case Specialist appeared on behalf of the Department.

ISSUE

Whether the department properly calculated claimant's FAP budget for the period September 1, 2010 through September 30, 2010?

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 was an ongoing FAP recipient and currently receives FAP benefits in the amount of \$371 for the period September 1 through September 30, 2010.
- (2) The Claimant's FAP budget was recalculated pursuant to her resuming work after a maternity leave.
- (3) The department utilized pay stubs for the month of June 2010 which included some additional pay for holiday and personal days and was not believed to be representative by the claimant of her earned income. The parties agreed that the claimant also receives \$688 and unearned income every month as a result of her son receiving Social Security.

- (4) During the hearing the Department agreed to recalculate the claimant's FAP benefits for the period beginning August 15, 2010 through September 15, 2010. The department further agreed that any change in FAP benefits would be effective October 1, 2010. The claimant agreed to provide the department as soon as possible the relevant pay stubs.
- (5) As a result of this agreement the claimant no longer wished to proceed with the hearing.

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 parties reached an agreement whereby the Department agreed to recalculate the claimant's FAP budget utilizing pay stubs from the period August 15 through September 15, 2010. Based upon the recalculated budget the department agreed to make any change with regard to the FAP budget effective October 1, 2010, provided the claimant made her pay stubs available to the department as soon as possible. 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 above findings of fact and conclusions of law, decides that the Department and Claimant have come to a settlement regarding claimant's request for a hearing and based upon the Findings of Fact and Conclusions of Law, therefore it is ORDERED:

- (1) The Department shall recalculate the claimant's FAP budget utilizing pay stubs from the pay period August 15, 2010 through September 15, 2010 and shall determine the claimant's FAP allotment based upon that calculation of earned income and use it as a part of the budget. Once the department determines the correct FAP allotment based upon its recalculation, the new FAP allotment shall be effective October 1, 2010.
- (2) The claimant shall provide the department the appropriate pay stubs for her earned income during the period and shall make same available to the department as soon as possible so that the recalculated benefits can be put into effect October 1, 2010.



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

Date Signed: 9/17/2010

Date Mailed: 9/17/2010

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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