

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: 20105021
Issue No: 3002/3000
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
December 7, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

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 hearing submitted on October 21, 2009. After due notice, a telephone hearing was conducted in Wayne County, Michigan on December 7, 2009. The Claimant was present and testified. Joyce Bacalis, FIM appeared on behalf of the Department.

ISSUE

Whether the Department properly calculated Claimant's Food Assistance Program ("FAP") benefits?

FINDINGS OF FACT

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

1. Claimant was a FAP recipient.
2. In September 2009, Claimant received \$85.00 per month in FAP benefits based on \$906.00 in earned income.

3. A Bridges search indicated that Claimant had income in the amount of \$1,578.00 per month and a new budget was compiled for October, 2009 resulting in an award of \$16.00 per month in FAP benefits.
4. At the hearing, the Department agreed to recalculate FAP benefits using Claimant's actual pay stubs for the October through the present.
5. At the hearing, Claimant agreed to provide her actual pay stubs for October and November within 10 days.
6. As a result of this agreement, Claimant indicated that she no longer wished to proceed with a 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 MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Under Program 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.

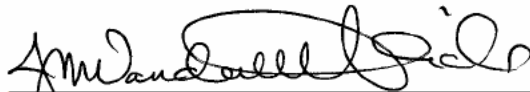
In the present case, the Department has agreed to reconsider and reprocess Claimant's FAP benefits for October through the present using Claimant's actual October and November pay stubs. Claimant has agreed to provide her pay stubs for October and November within ten (10) days from the date of the hearing. As a result of this agreement, Claimant indicated she no longer wished to proceed with the hearing. 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 findings of fact and conclusions of law, finds that the Department and Claimant have come to a settlement regarding claimant's request for a hearing.

Accordingly, it is ORDERED:

1. The department shall reprocess and recalculate Claimant's FAP benefits for October through the present including Claimant's income as shown by actual pay stubs.
2. The Claimant shall provide the Department with pay stubs from October and November, 2009 within 10 days of the date of the hearing.
3. The Department shall supplement the Claimant for any lost benefits she was otherwise entitled to receive.



Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 12/22/09

Date Mailed: 12/23/09

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.

JV/dj

cc:

