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

IN THE MATTER OF:

Reg. No: 201051145
Issue No: 3000
Case No:
Load No:
Hearing Date:
September 27, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 September 27, 2010.

ISSUE

Did the Department properly reduce claimant's FAP 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 was a FAP recipient.

(2)   Claimant's FAP benefits were reduced in August 2010.

(3)   Claimant was not given a shelter deduction.

(4)   The Department agreed to go back and recalculate the budget in question.

(5)   As a result of this agreement, claimant indicated that he 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 (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 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.
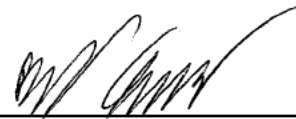
In the present case, the Department has agreed that claimant's benefit case had been incorrectly calculated. The Department agreed to recalculate claimant's FAP benefits retroactive to the date of negative action, taking into account claimant's shelter and medical expenses. Claimant would be supplemented any missed benefits to which he was otherwise entitled. Should claimant disagree with the new calculation, claimant is entitled to request a hearing on the new amount. As a result of the agreement, claimant agreed that he no longer wished to proceed with the hearing.

Therefore, as a result of the settlement, it is unnecessary for the Administrative Law Judge to render a decision.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department and the claimant have reached a settlement in the current case. Therefore, it is unnecessary for the Administrative Law Judge to render a decision.

The Department is ORDERED to recalculate claimant's FAP budget retroactive to the date of negative action.

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Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed:__10/06/10_____

Date Mailed:__10/07/10_____

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.

RJC/dj

cc: