

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.: 2010-55095
Issue No.: 3003
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 18, 2010
Macomb County DHS (12)

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 November 18, 2010. The claimant appeared and testified. [REDACTED], ES appeared on behalf of the Department.

ISSUE

Whether the Department properly computed the Claimant's Food Assistance Program ("FAP") budget?

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. The Claimant's fiancé began receiving unemployment compensation benefits in August 2010 having become unemployed in June 2010.
2. The claimant's fiancé receives \$250 gross unemployment benefits every week.
3. In September, the department calculated the FAP benefits based on a budget which included earned income in the amount of \$1597 which was incorrect as the claimant's fiancé no longer received earned income having become unemployed.
4. The September budget also included unearned income which is correct.

5. At the hearing, the department agreed to recalculate the September 2010 FAP budget and to include \$1075 unearned income and to delete the earned income of \$1597 when calculating benefits. The department also agreed to issue a supplement for FAP benefits the claimant was otherwise entitled to receive for September 2010.
6. Based upon the foregoing agreement by the Department the Claimant and his hearing representative 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 (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 budget for the month of September 2010 to correct the previous error which resulted when the department included earned income of \$1597 when calculating the budget when the income had not been received by the FAP group. The department agreed to recalculate the budget and to include only unearned income in the budget in the amount of \$1075. The department further agreed to supplement the claimant any FAP benefits she was otherwise entitled to receive in FAP benefits for September 2010. As a result of these agreements, 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 above 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 recalculate the claimant's FAP budget for September 2010 and shall remove from the budget earned income in the amount of \$1597 to reflect the fact that the group did not receive any earned income and shall include unearned income in the amount of \$1075.
2. The department shall issue a supplement to the claimant for FAP benefits for September 2010 to supplement the claimant for any FAP benefits she was otherwise entitled to receive.



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

Date Signed: 11/29/2010

Date Mailed: 11/29/2010

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.

LMF/jlg

201055095/LMF

cc:

