

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.: 2010-55732
Issue No.: 3003
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 17, 2010
Macomb County DHS (36)

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 17, 2010. The claimant appeared and testified. The claimant's authorized representative, [REDACTED] also 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 began receiving RSDI from Social Security in May or June 2010 which resulted in his FAP benefits being reduced to \$47 per month.
2. The Claimant paid rent of \$147.30 in April 2010 and currently pays that amount.
3. The Department computed a budget on August 1, 2010, which was incorrect as it did not include rent for the Claimant as part of his shelter expenses.
4. The Claimant is an SDV group as the Claimant is disabled.

5. At the hearing, the Department agreed to recompute the Claimant's FAP benefits as of August 1, 2010, and to include in the computation rent in the amount of \$147.30, a utility allowance and the unearned income of \$841 RSDI, and the fact that the claimant is an SDV group when computing the Claimant's FAP budget. The Department also agreed to supplement the Claimant for any FAP benefits he was otherwise entitled to receive.
6. The Department also agreed to recompute the Claimant's FAP budget as of September 1, 2010 to include the Medicaid Part B premium of \$110 as a deduction and to supplement the Claimant's FAP benefits for benefits he was otherwise entitled to receive.
7. During the hearing, the Department agreed to reinstate the Claimant's case which had been closed for not completing a redetermination prior to October 31, 2010.
8. The Department agreed to reinstate the Claimants' case effective November 1, 2010 as it could not determine if a notice of redetermination and redetermination packet was sent to the Claimant.
9. Based upon the foregoing agreements 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 August 2010 and September 2010 to correct the previous omissions from the FAP budget so that is correct. The department agreed to include as part of the claimant's August 2010 FAP budget, rent in the amount of \$147.30 and utility allowance of \$555.

The Department also agreed to determine the claimant's FAP benefits on the basis that he is an SDV group. Department agreed supplement the claimant for any FAP benefits that he was otherwise entitled to receive, if any.

The department further agreed to recalculate the claimant's FAP budget for the month of September 2010 and to include therein as a deduction the claimant's Medicaid Part B Premium in the amount of \$110 which was paid by the claimant. After the budget is recomputed the department agreed to issue a supplement to the claimant's FAP benefits that he was otherwise entitled to receive, if any.

Further the department agreed to reinstate the claimant's FAP case effective November 1, 2010. As a result of these agreements, Claimant indicated he 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 August 1, 2010 and shall include rent amount in the amount of \$147.30 as part of the shelter allowance. The department shall also include RSDI income of \$841. The claimant shall be considered an SDV group and the budget shall include a shelter utility allowance. Based upon the recomputed budget the department shall supplement the claimant for any FAP benefits he was otherwise entitled to receive, if any.
2. The Department shall also recalculate the claimant's FAP budget for September 1, 2010 and shall include therein a deduction for Medicaid Part B Premium paid by the claimant in the amount of \$110. Once the FAP budget for September 2010 is recalculated the department will supplement

the claimant for any FAP benefits he was otherwise entitled to receive, if any.

3. The Department shall also reinstate the claimant's FAP case retroactive to November 1, 2010. The Department shall supplement the claimant for any FAP benefits the Claimant was otherwise entitled to receive from the date of closure his case.



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.

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