

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.: 2010-12941
Issue No.: 3000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
January 27, 2010
Wayne County DHS (17)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 January 27, 2010. The Claimant appeared and testified along with her husband [REDACTED] [REDACTED] FIM appeared on behalf of the Department.

ISSUE

Was the Department correct in closing 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) On November 17, 2009 Claimant was sent a notice that her FAP benefit would be closed effective December 1, 2009 due to excess income.
- (2) Claimant requested a hearing on November 23, 2009 contesting the closure of benefits.
- (3) The parties reached an agreement whereby the Department agreed to reinstate and rebudget FAP benefits back to the date of closure. The parties further agreed that \$2,599

was the correct amount for the household income and that Claimant's rental income shall not be included in the FAP budget if the Claimant can verify that rental income is no longer received.

CONCLUSIONS OF LAW

The Food Assistance Program, 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"), formally known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Program Reference Manual ("PRM").

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 reinstate and rebudget FAP benefits back to the date of closure. The parties further agreed that \$2,599 was the correct amount for the household income and that Claimant's rental income shall not be included in the FAP budget if the Claimant can verify that rental income is no longer received. 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 Department and Claimant have come to a settlement regarding claimant's request for a hearing. Therefore it is ORDERED that the Department reinstates and rebudget FAP benefits back to the date of closure, \$2,599 was the correct amount for the household income and Claimant's rental income shall not be included in the FAP budget if the Claimant can verify that rental income is no longer received, in accordance with this settlement agreement.



Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 3/24/2010

Date Mailed: 3/24/2010

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 date of the rehearing decision.

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