

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: 2010-13328
Issue No: 3003
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 26, 2010
Tuscola County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 January 26, 2010. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly use [REDACTED] summer income in Claimant's Food Assistance Program (FAP) financial eligibility budget, on September 25, 2009?

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 an ongoing recipient of Food Assistance Program (FAP) benefits.
- (2) On September 25, 2009, the Department added summer only income which had ended, for [REDACTED] to Claimant's Food Assistance Program (FAP) financial

eligibility budget. The incorrect inclusion caused the Bridges program to generate incorrect case actions.

(3) On November 25, 2009, Claimant was sent an incorrect Notice of Over-Issuance for October 2009.

(4) On December 9, 2009, Claimant submitted a request for hearing.

(5) At this hearing the Department representatives stated that adding [REDACTED] income was an incorrect error and should be undone. They also stated that they have been unable to successfully undo the error in the Bridges program.

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 Program Reference Manual (PRM).

There are no issues in dispute for this Administrative Law Judge to resolve.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services improperly used [REDACTED] summer income in Claimant's Food Assistance Program (FAP) financial eligibility budget, on September 25, 2009.

It is ORDERED that the actions of the Department of Human Services, in this matter, are REVERSED.

It is further ORDERED that the incorrect Food Assistance Program (FAP) financial eligibility budget of September 25, 2009, be redone and the resulting incorrect case actions be corrected.

/s/ _____
Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: February 17, 2010

Date Mailed: February 23, 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.

GHF/ [REDACTED]

cc:

[REDACTED]