

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: 2010-15130

Issue No: 3000

Case No:

[REDACTED]

Load No:

[REDACTED]

Hearing Date:

February 22, 2010

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

ORDER DISMISSING HEARING

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400. 9; MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on February 22, 2010. The Claimant appeared and testified, both agreed to address their issues with one hearing. [REDACTED] FIM appeared on behalf of the Department.

ISSUE

Is the Department correct in determining 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 December 10, 2009 Claimant's FAP budget was updated and benefits were determined to be \$18 per month beginning January 1, 2010.

- (2) Claimant requested a hearing on December 18, 2009 contesting the reduction of benefits.
- (3) Claimant received a \$66 supplement for January 2010 and February 2010.
- (4) Claimant will receive \$200 per month in FAP benefits beginning March 1, 2010.
- (5) Claimant testified at hearing that he was satisfied with the Department's actions and wished to abandon his appeal.

#### 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").

The regulations governing hearing and appeals for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code. MAC R 400.901-.951. MAC R 400.903 reads in part: An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by a department action resulting in suspension, reduction, discontinuance, or termination of assistance.

In the present case, Claimant filed a request for hearing. The Department however has not currently taken a negative action or failed to act in a timely manner regarding benefits or services to the Claimant. Claimant testified that he was satisfied with the Department's actions and wished to abandon his appeal.

Therefore this hearing is dismissed pursuant to MAC R 400.903(1). PAM 600.

/s/ \_\_\_\_\_

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

Date Signed: March 24, 2010

Date Mailed: March 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.

AM/ctl

Cc:

