

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: 2010-17111

Issue No: 3020

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date: [REDACTED]

Cass 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 telephone hearing was held on [REDACTED]. Claimant appeared and testified.

ISSUE

Did the Department of Human Services over-issue Food Assistance Program (FAP) benefits to Claimant during June 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) In December 2009, Claimant submitted required documents to re-determine her eligibility for Food Assistance Program (FAP) benefits. The information was entered into the BRIDGES computer program by Claimant's case worker.

(3) On December 28, 2009, the BRIDGES computer program issued an over-issuance notice for June 2009.

(4) On January 5, 2010, Claimant submitted a timely request for hearing and no action was taken to recoup the alleged over-issuance.

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).

At this hearing the Department representatives testified that the BRIDGES computer program had taken an income update too far back and that there was no over-issuance to Claimant for the month of [REDACTED]. The Department representatives testified they had been trying to correct the issue in the BRIDGES program but met with no success. In an attempt to reduce paperwork the record of this hearing was left open to allow the Department to correct the error. No additional information has been received from the local office and a Decision and Order must be issued.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides The Department of Human Services did not over-issue Food Assistance Program (FAP) benefits to Claimant for the month of [REDACTED]

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

/s/

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

Date Signed: April 5, 2010

Date Mailed: April 6, 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.

GFH/alc

cc:

[REDACTED]