

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: 2010-17861
Issue No: 3020
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 9, 2010
Lapeer 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 March 9, 2010. Claimant appeared and testified.

ISSUE

Did Claimant receive a \$656 over-issuance of Food Assistance Program (FAP) benefits which the Department of Human Services is entitled to recoup?

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. Claimant's benefit group includes herself and her son. All income of the benefit group must be used in determining their benefit eligibility.

(2) In January, 2010 Claimant's DHS case worker completed a redetermination.

Based on the information the case worker entered into the Bridges program, the Bridges

program determined that Claimant had been over-issued \$656 of Food Assistance Program (FAP) benefits between August 1, 2009 and December 31, 2009.

(3) On January 9, 2010, Claimant was sent a Notice of Case Action (DHS-1605) and a Notice of Over-Issuance (DHS-4358).

(4) On January 21, 2010, Claimant submitted a request for 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 (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).

In this case, the Department asserts that Claimant was over-issued Food Assistance Program (FAP) benefits during August through December 2009 because all of her household's income was not used in her eligibility determination during the over-issuance period. Claimant did not dispute receiving the amounts that the Department added into the revised financial eligibility budgets.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides Claimant received an \$656 over-issuance of Food Assistance Program (FAP) benefits which the Department of Human Services is entitled to recoup.

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

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

Date Signed: March 24, 2010

Date Mailed: March 31, 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 

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