

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: 201019175
Issue No: 3020
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 17, 2010
Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 hearing submitted on January 23, 2010. After due notice, a telephone hearing was conducted in Detroit, Michigan on March 17, 2010. The Claimant was present and testified. Elaine Graham FIM appeared on behalf of the Department.

ISSUE

Whether the Department is entitled to a recoupment of the Claimant's Food Assistance Program ("FAP") benefits for the month of August 2009 as a result of an overissuance of FAP benefits to the Claimant?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material and substantial evidence on the whole record, finds as material fact:

1. Claimant was and is a FAP recipient.

2. The Claimant received \$367.00 in Food Assistance in August 2009. This benefit amount was calculated by the Department based upon an erroneous FAP group size of two members. (Exhibit D)
3. The claimant received an overissuance of FAP benefits in the amount of \$167.00 which was more than he was entitled to receive because his group was a group of one member. (Exhibit C)
4. The Claimant is entitled to receive \$200.00 a month in FAP benefits and currently receives this amount. (Exhibit A)
5. The Department is entitled to recoup \$147.00. A previous recoupment in the amount of \$20.00 was collected by the Department. (Exhibit C)
6. The Claimant requested a hearing on January 23, 2010 as he did not agree with the Department's determination.
7. At the hearing, the Department and the Claimant agreed that the Claimant had received an overissuance of FAP benefits in the amount of \$167.00 for the month of August 2009.
8. The parties further agreed that the Claimant currently owes the Department \$147.00 as a result of the August overissuance of FAP benefits.
9. As a result of this agreement, Claimant indicated that he no longer wished to proceed with a 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 (formerly known as the Family Independence Agency) 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 Bridges 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 department and the claimant agreed to the amount of the over issuance of FAP benefits received by the Claimant in the amount of \$167.00. The Claimant and the Department further agreed that the current amount of recoupment the Department is entitled to receive is \$147.00

As a result of this agreement, Claimant indicated he no longer wished to proceed with the hearing. 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 Administrative Law Judge, based upon the findings of fact and conclusions of law, finds that the Department and Claimant have come to a settlement regarding claimant's request for a hearing. Therefore, this hearing is, hereby, **DISMISSED**.

Accordingly, it is ORDERED:

1. The Department is entitled to recoupment in the amount of \$147.00 from the Claimant resulting from an overissuance of FAP benefits for the month of August 2009.



Lynn M. Ferris
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 04/13/10

Date Mailed: 04/16/10

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.

LMF/dj

cc:

