

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: 2010-20846
Issue No: 3002
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 22, 2010
Wayne 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 a hearing. After due notice, a telephone hearing was held in Detroit on March 22, 2010. The Claimant appeared and testified. Ms. Rosen, FIM appeared on behalf of the Department.

ISSUE

Was the Department correct in decreasing Claimant's FAP benefits as a result of a mass update by the Bridges computer system and thereby continuing to include unearned income no longer received by the Claimant?

FINDINGS OF FACT

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

- (1) The Department's Bridges system completed a mass update in January 2010, and as a result, the Claimant's FAP benefits were reduced.

- (2) The Department's Bridges system incorrectly calculated the claimant's FAP benefits by including the Claimant's unemployment benefits when she was no longer receiving them.
- (3) The Department recalculated the FAP budget and corrected the error and the claimant received the proper benefits for February and March 2010 in the amount of \$557.00 per month. Exhibit 1
- (4) Claimant requested a hearing on February 4, 2010 contesting the Department's decrease in the Claimant's FAP benefits.
- (5) The parties reached an agreement, after an explanation of what had occurred during the mass update, and the Department and the Claimant agreed to the Department's current calculation of benefits in the amount of \$557 for the months of February and March 2010.

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 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 parties reached an agreement whereby the Department and the Claimant agreed that the recalculated FAP benefits in the amount of \$557 per month were correct and that the Claimant was satisfied that the previous decreases had been corrected by the Department. 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 Department and Claimant have come to a settlement regarding claimant's request for a hearing.

Therefore, it is ORDERED:

The Department is to continue to provide FAP benefits to the Claimant at the level of \$557 per month to account for the fact that the Claimant is no longer receiving unemployment benefits.

The parties agree that any change to the Claimant's income will be reported by the Claimant to the Department within 10 days of the change in income.



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:

