

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: 2010-24591
Issue No: 3000
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 5, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

ORDER OF DISMISSAL

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 April 5, 2010.

ISSUE

Did the Department properly calculate claimant's FAP allocation?

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 filed a request for hearing on February 16, 2010, based upon a denial of FAP benefits.
- (2) The Department had approved claimant for FAP benefits on February 5, 2010.
- (3) There was a decrease of claimant's FAP allocation in March, 2010, after claimant requested a hearing.

- (4) There was no negative action that claimant on which claimant could request 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 (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 Bridges Reference Manual (BRM).

Under Bridges Administrative Manual Item 600, clients have the right to contest any negative agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. A claimant may also contest at any time the amount of their FAP grant.

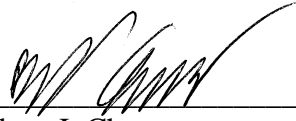
However, claimant's hearing request specifically requested a hearing based upon a denial of FAP benefits. At the time of the hearing request, claimant had not received an FAP denial, and, in fact, had been approved for FAP benefits 10 days earlier.

As such, there was no negative Department action, and therefore no case for the Administrative Law Judge to consider. Claimant's request for hearing must be dismissed for lack of jurisdiction.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that there is no jurisdiction to hear a case.

Accordingly, this case is, hereby, DISMISSED.



Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 04/27/10

Date Mailed: 04/27/10

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.

RJC/dj

cc:

