

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2010 25086
Issue No.: 3002
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: July 8, 2010
Wayne County DHS (35)

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 on July 8, 2010. The claimant appeared and testified. [REDACTED], FIM, appeared on behalf of the Department.

ISSUE

Whether the Department properly closed the Claimant's Food Assistance Program ("FAP") case and whether it properly computed the the Claimant's medical spend down (deductible) when computing the Claimant's medical assistance budget.

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 applied for Food Assistance benefits (FAP) on November 17, 2009.
2. The claimant was granted benefits but the FAP budget did not include a shelter allowance. Additionally, the benefits did not begin from the date of the claimant's application.
3. At the hearing, the claimant provided the name and telephone number of his landlord so the Department could make a collateral contact to verify his shelter expense of \$200 per month.

4. The Claimant provided a shelter verification with his FAP application which was not included or considered when the Department calculated the Claimant's FAP allotment.
5. The claimant's shelter expense is \$200 per month for rent in a group home.
6. Additionally, the claimant was given at the hearing a shelter verification form which he agreed to return within 10 days.
7. The Claimant's hearing request also sought review of the Medical Assistance budget which determined the claimant was eligible for medical assistance but with a spend down deductible of \$697 per month. A review of the budget was conducted during the hearing and after the explanation of how the budget was computed, the claimant no longer wished to pursue his request for hearing with regard to the medical spend down amount.
8. The Department acknowledged that it had committed several errors with regard to the claimant's FAP budget and the computation of his allotment was incorrect.
9. At the hearing, the Department agreed to recalculate the claimant's FAP benefits retroactive to the date of his application, November 17, 2009 and to issue a supplement for any benefits the claimant was otherwise entitled to receive by virtue of the Departments failure to include a \$200 per month shelter expense when computing the budget.
10. As a result of this agreement, Claimant indicated that he no longer wished to proceed with the remainder of the 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 CML 400.10 *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the 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.

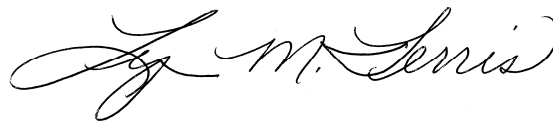
In the present case the Department has agreed to recalculate the Claimant's FAP benefits retroactive to the date of his application, November 17, 2009, to include a shelter expense of \$200 per month for rent when recalculating the claimant's FAP benefits and to issue a supplement for FAP benefits retroactive to November 17, 2009 for FAP benefits the claimant was otherwise entitled to receive. 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 above 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.

Accordingly it is ORDERED:

1. The Department shall recalculate the claimant's FAP benefits retroactive to the date of his application, November 17, 2009 and shall include a shelter expense of \$200 per month for rent when calculating the FAP benefits.
2. The Department shall supplement the claimant for any and all FAP benefits the Claimant was otherwise entitled to receive from the date of his application, November 17, 2009 through the date of the hearing.
3. The Claimant has agreed to provide and return to the department a shelter verification form with regard to his shelter expense within 10 days of the date of the hearing.



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

Date Signed: 07/08/2010

Date Mailed: 07/08/2010

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 of the rehearing decision.

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