

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.: 201026783

Issue No.: 3003

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

May 26, 2010

Oakland DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 May 26, 2010. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Was the Department correct in determining Claimant's Food Assistance benefits?

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 began receiving \$200 per month in Food Assistance benefits on April 1, 2010.
- (2) Claimant receives \$674 in supplemental security income from the social security administration.

- (3) Claimant requested a hearing on February 17, 2010 contesting the amount of FAP benefits.

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”), formerly 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 Program Reference Manual (“PRM”).

In the present case, Claimant began receiving \$200 per month in Food Assistance benefits on April 1, 2010. The Department at hearing could not explain why Claimant was receiving less than that prior to April 1, 2010. The worker at hearing stated that a previous worker made the prior determination. No budgets or other documents explaining how the previous calculation was made were presented by the Department at hearing. Claimant credibly testified that her income and expenses were the same prior to March 2010. If Claimant’s income and expenses were the same then Claimant should have received the same amount of FAP benefits. Therefore the Department’s determination of benefits was incorrect.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was incorrect in the determination of Claimant’s Food Assistance Program benefits, and it is ORDERED that the Department’s decision in this regard be, and is hereby REVERSED. Claimant is entitled to Food Assistance benefits in the amount of

\$200 beginning December 1, 2009. Any missed Food Assistance benefits shall be paid to Claimant in the form of a supplement.

/s/ 

Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 16, 2010

Date Mailed: June 16, 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.

AM/htw

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