

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: 201037688

Issue No: 3000

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

June 28, 2010

Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

HEARING DECISION

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 telephone hearing was held on June 28, 2010.

ISSUE

Did the Department properly calculate claimant's FAP 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 was a FAP recipient.
- (2) Claimant's FAP benefits were calculated to be \$69 in March, 2010, rising to \$214 from May, 2010, forward.
- (3) This was calculated using claimant's assumed UCB benefits, but no UCB benefits were verified by the Department.

- (4) The Department agreed to recalculate claimant's FAP benefits and supplement claimant for all FAP benefits missed for the months of March, 2010, forward.
- (5) As a result of this agreement, claimant indicated that he no longer wished to proceed with 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 (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 Program 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 that claimant's FAP benefits may have been incorrectly calculated. The Department agreed to recalculate claimant's FAP budget for the months of March, 2010, forward, after making a determination as to whether the claimant actually received UCB benefits. Claimant would then receive all supplemental benefits for those

months to which he was otherwise entitled. Claimant agreed to the settlement. Should the claimant be aggrieved by the new calculations, claimant preserved his right to request a hearing on those calculations.

Therefore, as a result of the settlement, it is unnecessary for the Administrative Law Judge to render a decision.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department and the claimant have reached a settlement in the current case. Therefore, it is unnecessary for the Administrative Law Judge to render a decision.

The Department is ORDERED to recalculate claimant's FAP budget for the months of March, 2010, forward, after making a determination as to whether the claimant is receiving UCB benefits. Claimant is to be issued all supplemental FAP benefits to which he is otherwise entitled.

/s/



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

Date Signed: July 13, 2010

Date Mailed: July 13, 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 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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/hw

cc:

