

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.: 2010-48466
Issue No.: 3003
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 13, 2010
Oakland County DHS (4)

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 September 13, 2010. The claimant appeared and testified. [REDACTED] FIM appeared on behalf of the Department.

ISSUE

Whether the Department properly calculated the Claimant's Food Assistance (FAP) benefits for the months of March through June, 2010?

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 Claimant was a FAP recipient and was sent a redetermination to complete in March, 2010.
2. The Claimant had also requested a hearing regarding SER benefits which she had applied for but indicated that that issue had been resolved and that a hearing regarding that issue was no longer necessary.
3. In February 2010, the Claimant's earned income decreased due to the fact she was in an automobile accident.
4. The Claimant also received child support for the months of February and March.

5. At the hearing the Department agreed that the Claimant's FAP budget should be rerun as of March 1, 2010 and that February income and child support amounts should be used. The Department agreed to recompute the FAP budgets for the months of March using the February income figures and will recompute the months of March and April FAP budgets utilizing the actual child support and income received and exclude child support for the FAP budget for May 2010, when the Claimant no longer received child support. The FAP budgets will be recalculated to include the correct income figures for those months and child support received in accordance with department policy.
6. After recomputing the budgets, the Department further agreed to issue a supplement to the Claimant for the FAP benefits, if any she was otherwise entitled to receive retroactive to March 1, 2010.
7. As a result of this agreement the Claimant indicated that she 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 (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 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 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 recompute the Claimant's FAP budgets beginning March 1, 2010 utilizing the February earned income and the actual child support for the months of February, March and April, 2010 and take out Child support payments from the FAP budget for the month of May when the Claimant stopped receiving child support and to issue a supplement for any FAP benefits the

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Claimant was otherwise eligible to receive beginning March 1, 2010 through June 30, 2010.

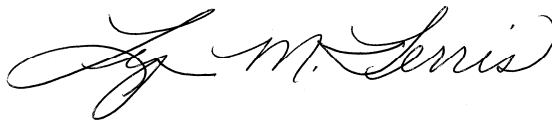
As a result of this agreement, Claimant indicated she no longer wished to proceed with the hearing. Since the Claimant and the Department have come to an agreement, it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Administrative Law Judge, based upon the 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 and therefore it is unnecessary to issue a Decision this matter.

Accordingly it is ordered:

1. The Department shall recompute the Claimant's FAP budgets beginning March 1, 2010 utilizing the February earned income and the actual child support for the months of February, March and April, 2010.
2. The Department shall recompute the Claimant's FAP budget for the month of May 2010 and take out Child support payments from the FAP budget for the month of May when the Claimant stopped receiving child support.
3. After recomputing the FAP budgets as outlined herein, the Department shall issue FAP supplements for any FAP benefits the Claimant was otherwise eligible to receive beginning March 1, 2010 through June 30, 2010.



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

Date Signed: 9/15/2010

Date Mailed: 9/15/2010

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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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