

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.: 2010-49682  
Issue No.: 3003  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date: September 22, 2010  
Wayne County DHS (18)

**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 22, 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 month of August 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 applied for FAP assistance and was denied FAP benefits due to excess income.
2. At the hearing the claimant's pay stubs which she submitted to the department were reviewed as well as the pay stubs for another FAP group member and it was determined that the department had im- properly calculated the earned income.
3. Additionally the department when computing the claimant's FAP budget failed to average three months of child support for the months of [REDACTED], [REDACTED] and [REDACTED].
4. The claimant and department agreed that the correct gross earned income for the claimant for the period July 20, 2010 was \$518 and for the period

August 3, 2010 was \$596.63. The department agreed to recalculate the earned income using these income figures.

5. The claimant's roommate also had earned income for the period of \$478.90 for [REDACTED] and \$371.88. The department agreed to recalculate the earned income using these income figures.
6. The claimant received child support in the month of [REDACTED] in the amount of \$346.03, \$519.05 for [REDACTED] and. \$346.04 for the period [REDACTED]. The department agreed to recalculate the child support payments and to properly average the payments and include that number in the FAP budget.
7. As a result of these agreements the department agreed to recompute the claimant's FAP budget and to retroactively supplement the claimant's FAP benefits she was otherwise entitled to receive based upon the new budget. The department will also reopen the claimant's FAP case retroactive to the date of application August 12, 2010.
8. 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 budget. The department further agreed to reopen the claimant's FAP case retroactive

to the date of application August 12, 2010. The department agreed to utilize the correct earned income figures as set forth in the finding of facts in this decision when calculating the earned income for two of the group members, the claimant and her roommate. And the department further agreed that it would average three months of child support payments and include that average amount in the recomputed FAP budget. The department further agreed to supplement the claimant retroactive to the date of application should it determine that the Claimant is entitled to receive FAP benefits based upon the new budget and to supplement the claimant for any FAP benefits she was otherwise entitled to receive.

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**

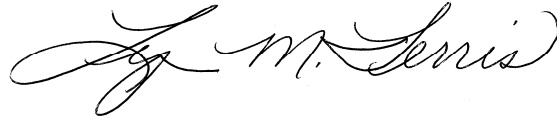
The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department and Claimant have come to a settlement regarding claimant's request for a hearing and therefore it is unnecessary to issue a Decision this matter.

Accordingly it is ordered:

1. The department shall reopen the claimant's FAP case retroactive to the date of application, August 12, 2010.
2. The Department shall recompute the Claimant's FAP budget utilizing the gross income amounts contained in paragraphs 4 and 5 of this decision and shall determine the FAP group's gross income based on these numbers in accordance with the department's policy.
3. The department shall recompute the claimant's child support received for inclusion in the FAP budget using the average of the three months of child support payments received which are contained in paragraph 6 of this decision's Findings of Facts and include the correct child support amount in the recomputed FAP budget.

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4. Once the FAP budget is recomputed the department shall issue to the claimants FAP supplements if eligible, for any FAP benefits the Claimant was otherwise eligible to receive retroactive to the date of application, August 12, 2010.



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

Date Signed: 9/24/2010

Date Mailed: 9/24/2010

**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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