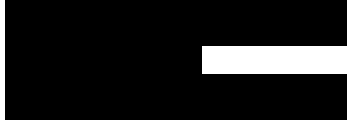


STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 2010-52761
Issue No.: 3003
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 30, 2010
Wayne County DHS (55)

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 30, 2010. The claimant appeared and testified. [REDACTED], FIM and [REDACTED], FIS (non JET) appeared on behalf of the Department.

ISSUE

Whether the Department properly calculated Claimant's Food Assistance Program ("FAP") benefits when computing her FAP 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 is a FAP recipient and is an SDV group of one. The Claimant was notified on July 23, 1010, by Notice of Case Action that her FAP benefits would be reduced because her benefits had been recalculated and decreased to \$89 per month. Exhibit 1
2. At the hearing the Claimant confirmed the following information, the Claimant's income from Social Security is \$1032 and she pays rent of \$425 per month and pays her heat.
3. The department correctly utilized the claimant's rent of \$425 and allowed a utility allowance of \$555 when computing the claimant's shelter deduction. The department also properly utilized the claimant's gross income received from Social Security disability in the amount of \$1032.

4. Based upon a review of the FAP budget the budget as calculated was properly computed.
5. During the hearing it was determined that the claimant has medical expenses which were not included in the calculation of her FAP benefits.
6. The department agreed to recompute the claimant's FAP benefits and to include in its calculation medical expenses incurred by the claimant as a medical expense deduction. The claimant agreed to submit to the department her medical expenses which she incurred in July 2010 which was the time of her redetermination.
7. The Department also agreed to recalculate the Claimant's FAP budget retroactive to August 1, 2010 and to supplement the Claimant for benefits she was otherwise entitled to receive.
8. The Claimant's request for a hearing was received by the Department July 22, 2010 contesting the reduction of her food assistance.
9. As a result of these agreements 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 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 to recalculate the Claimant's FAP budgets retroactive to August 1, 2010 when her FAP benefits were reduced pursuant to Notice of Case Action to account for any medical expenses which the claimant incurred in the month of July 2010 which are eligible to be deducted from the claimant's FAP budget as allowed by BEM 554.

The Claimant agreed to provide the Department after the hearing the necessary verification of medical expense for her medical expenses which she incurred in July 2010 which was the month of her redetermination. The Department agreed to supplement the Claimant's FAP benefits as required retroactive to August 1, 2010 for 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.

Accordingly, it is ORDERED:

1. The Department shall review and recalculate Claimant's FAP benefits from July 2010 and the Department will include the Claimant's medical expense which are eligible to be included as a deduction as part of the claimant's FAP budget pursuant to them 554.
2. The Claimant shall provide the Department with verification of her medical expenses for the month of July 2010. Claimant shall provide the department bills for her medical expenses and receipts for their payment by the claimant.
3. The Department shall supplement the Claimant for any FAP benefits she was otherwise entitled to receive retroactive to August 1, 2010 as a result of her medical expenses not being included in the Claimant's FAP budget.



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

201052761/LMF

Date Signed: 10/06/2010

Date Mailed: 10/06/2010

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.

LMF/jlg

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