

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.: 2010-55526
Issue No.: 3003
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 18, 2010
Oakland County DHS (2)

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 October 18, 2010. The claimant appeared and testified. [REDACTED], appeared and testified as an interpreter for the Claimant. [REDACTED] Assistant Payments Worker appeared on behalf of the Department.

ISSUE

Whether the Department properly calculated Claimant's Food Assistance Program ("FAP") benefits with regard to unemployment benefits received by the claimant's spouse?

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 her FAP benefits reduced in August 2010 when the department recalculated the claimant's FAP budget during a semi annual review.
2. The department recalculated the FAP benefits because the Claimant's spouse had received unemployment benefits in June and August.
3. The Claimant's request for a hearing was received by the Department September 27, 2010 contesting the reduction of her food assistance.
4. The Claimant's spouse received unemployment benefits in June in the amount of \$233 and on August 14, 2010 in the amount of \$324.

5. The department agreed based upon the documents the claimant produced at the hearing with regard to the amount of unemployment benefits received and the dates they were received, to recalculate the Claimant's FAP budgets for the four month period beginning July 2010 through the month of October 2010.
6. The Department further agreed to supplement the claimant retroactively for any FAP benefits she was otherwise entitled to receive retroactive to July 1, 2010.
7. As a result of these agreements, Claimant indicated that she no longer wished to proceed with a 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 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 recalculate the Claimant's FAP budgets retroactive to July 1, 2010 when the Claimant's FAP benefits were reduced as a result of the department including unemployment benefits as unearned income but improperly included the wrong amounts.

The Department agreed to supplement the Claimant's FAP benefits if required retroactive to July 1, 2010 for FAP benefits she was otherwise entitled to receive and to properly calculate the Claimant's earned and unearned income when recalculating the Claimant's FAP budgets. The department shall also include the correct unemployment benefits received by the claimant's spouse as set for in the Findings of Fact, paragraph

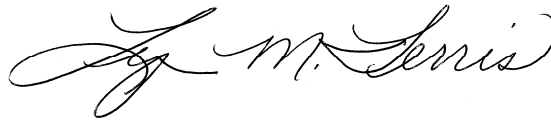
4. Once the budgets are recalculated, the department agrees that it will supplement the claimant for any FAP benefits she was otherwise entitled to receive based upon in recomputed budgets. As a result of this agreement, Claimant indicated she no longer wished to proceed with the hearing. Since the Claimant 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 and process new FAP budgets beginning July 1, 2010 through October 2010, to include the correct amount of unemployment benefits received by the Claimant's spouse as set forth in this Decision Finding of Facts, paragraph 4. The Department shall also include the correct amount of earned income received by the Claimant's group when computing the FAP budgets.
2. The Department shall supplement the Claimant for any FAP benefits, if any, she was otherwise entitled to receive retroactive to July 1, 2010.



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

Date Signed: 10/19/2010

Date Mailed: 10/19/2010

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

201055526/LMF

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

cc:

