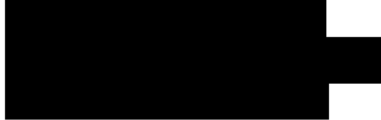


STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 2011-10985
Issue No.: 3000
Case No.: [REDACTED]
Hearing Date: January 18, 2011
Macomb County DHS (20)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 January 18, 2011. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

Whether Claimant is entitled to a supplement of FAP benefits for benefit months 8/2010 and 9/2010.

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Claimant was an ongoing FAP benefit recipient.
2. DHS issued an unspecified FAP benefit issuance for Claimant for benefit months 7/2010-9/2010.
3. Claimant and DHS agree that Claimant received the correct amount of FAP benefits for 7/2010.
4. Claimant and DHS agree that Claimant was entitled to receive \$304 more in FAP benefits for 8/2010 than what DHS issued.
5. Claimant and DHS agree that Claimant was entitled to receive \$424 more in FAP benefits for 9/2010 than what DHS issued.

6. On 10/14/10, Claimant requested a hearing disputing the amounts of her 7/2010-9/2010 FAP benefits.

CONCLUSIONS OF LAW

The Food Assistance Program (formerly known as the Food Stamp 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 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 Reference Tables Manual (RFT).

MCL 24.278(2) and MSA 3.560(178)(2) provide that a contested administrative case may be disposed of by stipulation of the involved parties. Prior to the conclusion of the hearing, the parties agreed that DHS erred in determining Claimant's FAP benefits for 8/2010 and 9/2010. The parties agreed that Claimant was entitled to receive \$304 in FAP benefits for 8/2010 and \$424 more in FAP benefits for 9/2010. It was also agreed that DHS properly determined Claimant's 7/2010 FAP benefit amount.

No evidence was presented to justify the above settlement so the undersigned cannot affirm the agreement based on anything other than the agreement by the parties. However, as both parties seemed to agree to the settlement, the undersigned is not inclined to undermine it.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact, conclusions of law and by agreement of the parties, finds that DHS properly calculated Claimant's FAP benefit issuance for 7/2010. The actions taken by DHS are PARTIALLY AFFIRMED.

The Administrative Law Judge, based upon the above findings of fact, conclusions of law and by agreement of the parties, finds that DHS improperly calculated Claimant's FAP benefit issuances for 8/2010 and 9/2010. It is ordered that DHS shall supplement Claimant a total of \$728 in FAP benefits. The actions taken by DHS are PARTIALLY REVERSED.



Christian Gardocki
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

201110985/CG

Date Signed: 1/24/2011

Date Mailed: 1/24/2011

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 date of the rehearing decision.

CG/jlg

cc:

