

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.: 2011-1345
Issue No.: 3003
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 3, 2010
Macomb County DHS (20)

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 November 3, 2010. The claimant appeared and testified. [REDACTED] ES appeared on behalf of the Department.

ISSUE

Whether the department properly calculated claimant's FAP budget for the period July and 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 was an ongoing FAP recipient and currently receives FAP benefits in the amount of \$107 since October 2010.
- (2) The Claimant's FAP budget was recalculated in July 2010 and the department incorrectly entered the claimant's housing expense as \$149 instead of \$205. Exhibit 1 page 8.
- (3) During the hearing, after a thorough review of all the budgets available beginning January 1, 2010, the Department agreed to recalculate the claimant's FAP benefits for the periods beginning July 1, 2010 and August 1, 2010 to correctly enter the claimant's rent as \$205 per month. The department further agreed to recalculate the benefits for those months and to supplement the claimant or any benefits he was otherwise entitled to receive during that period.

- (4) As a result of this agreement the claimant indicated that he 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 parties reached an agreement whereby the Department agreed to recalculate the claimant's FAP budget for the period July 1, 2010 and August 1, 2010 and to utilize the correct rent amount of \$205 a month instead of the incorrect amount of \$149 per month. Once the budgets are recalculated the claimant shall be entitled to receive any FAP benefit increase, if any, he was otherwise entitled to receive for those months. The claimant will be entitled to a supplement for any increase he was otherwise entitled to receive for that two month period. Since the claimant and the department have come to an agreement it is unnecessary for the 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, therefore it is ORDERED:

1. The Department shall recalculate the claimant's FAP budget for the two month period beginning July 1, 2010 and August 1, 2010, and shall rerun the FAP budgets to correct the rent figure used to compute the budgets. The department shall include the amount of monthly rent as \$205 instead

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of the \$149 rent figure utilized by the department when computing the budget.

2. Once the budget is recalculated the department shall supplement the claimant for any FAP benefits he was otherwise entitled to receive during the period based upon the newly computed shelter expenses.



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

Date Signed: 11/09/2010

Date Mailed: 11/09/2010

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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