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

IN THE MATTER OF THE CLAIM OF:



Reg. No.:	201121252
Issue No.:	3000
Case No.:	
Load No.:	
Hearing Date: March 22, 2011	
Oakland County DHS	

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 March 22, 2011. The Claim ant was present and testified. The Department of Human Services (Depart ment) was represented by AP

ISSUE

Was the D epartment correct in i ts calculation of Claimant's Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

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

- 1. Claimant was an ongoing recipient of FAP.
- 2. The Department dete rmined that Claimant was en titled to \$16.00 in FAP benefits.
- 3. Clamant requested a hearing, protesting the amount of benefits.
- 4. At the hearing, the Department agreed to recalcul ate Claimant's FAP benefits, effective March 1, 2011.

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5. As a result of this agreement, Claim ant indicated that he no longer wished to proceed with the hearing.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) is est ablished by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations c ontained in T itle 7 of the Code of Federal Regulations ("CFR"). The Department administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in BAM, BEM and PRM.

Under Bridges Administrative Manual Item 600, c lients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe t he decision is illegal. The Dep artment provides an Administrative Hearing t o review t he decision and determine if it is appropriate. Department policy includes procedures to meet the minimal requirements for a fair hearing. E fforts to clarify and resolve the client's concerns start when the Department receives a hearing request and continues through the day of the hearing.

In the pres ent case t he Department has agreed to r ecalculate Claimant's FAP benefit amount, effective March 1, 2011. As a result of this agree ment, Claimant indicated he no longer wished to pr oceed with the hearing. Since the Claimant and the Department have come to an agreement, it is unneces sary for this Administ rative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Administrative Law Judge, based upon t he above findings of fact and conclusion s of law, decides that the Department and Claimant have come to a settlement regarding Claimant's request for a hearing. Therefore, it is ORDE RED that the Department recalculate Claimant's FAP benefit amount, effective March 1, 2011, in accordance with this settlement. It is further OR DERED that any missed or increased payments will be issued in the form of a supplement.

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Susan C. Burke Administrative Law Judge For Maura Corrigan, Director Department of Human Services

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Date Signed: April 13, 2011

Date Mailed: April 13, 2011

NOTICE: Administrative Hearings may or der a rehearing or reconsideration on either its own motion or at t he request of a party wit hin 30 days of the ma iling date of this Decision and Order. Administrative Hear ings will not orde r a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

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