

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.: 2011-2417
Issue No.: 3000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 17, 2010
DHS County: Wayne (31)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37 and Claimant's request for a hearing. After due notice, a telephone hearing was held on November 17, 2010. Claimant appeared and testified. [REDACTED], appeared and testified for the Department of Human Services (DHS). [REDACTED], was also present at the hearing.

ISSUE

Whether DHS properly calculated Claimant's Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

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

1. From September 2009-March 2010, Claimant, a FAP recipient, received \$16 per month FAP benefits.
2. From April 1-November 16, 2010, Claimant, a FAP recipient, did not receive any FAP benefits whatsoever, although her income did not change.
3. On August 25, 2010, Claimant filed a request for a hearing with DHS.
4. Claimant's August 25, 2010, hearing request concerned State Emergency Relief (SER) benefits. Since that time, the SER issue has been resolved and it is not the subject of the hearing held in this matter on November 17, 2010.

5. As of November 17, 2010, Claimant's FAP benefits were recalculated at \$214 per month, and she receives this amount at present.
6. At the hearing, the parties agreed that DHS shall recalculate Claimant's FAP benefits from April 1-November 16, 2010, adjusting Claimant's income from \$2,458 to \$1,639 or other appropriate number, deleting \$819 from her income as this money is not available to her, and correcting any and all errors regarding standard, shelter and other income deductions.
7. As a result of the settlement agreement, Claimant stated at the hearing that she no longer wished to continue with the hearing process.

CONCLUSIONS OF LAW

FAP was established by the U.S. Food Stamp Act of 1977 and is implemented by Federal regulations contained in Title 7 of the Code of Federal Regulations. DHS administers the FAP program pursuant to MCL 400.10 *et seq.*, and Michigan Administrative Code Rules 400.3001-400.3015. DHS policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT). The manuals are available online at www.michigan.gov/dhs-manuals.

At the hearing in this case, the parties agreed that Claimant's income shall be considered to be \$1,639, and not \$2,458. The parties further agreed that DHS will recalculate Claimant's FAP award for April 1-November 16, 2010, using this income amount, and making any necessary corrections and deletions that are appropriate, including information used for all deductions including the shelter deduction.

I determine and conclude that this settlement agreement is in accord with DHS policy and procedure, and I so order. As the parties have reached a settlement agreement, I find it is unnecessary for the Administrative Law Judge to address the issues brought to the hearing.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that this matter IS SETTLED by the agreement of the parties. IT IS ORDERED that DHS shall recalculate Claimant's FAP benefits from April 1-November 17, 2010, in accordance with DHS policy and procedures.



Jan Leventer
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 18, 2010

Date Mailed: November 18, 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 date of the rehearing decision.

JL/pf

cc:

