

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.: 2011-2814
Issue No.: 3000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 17, 2010
DHS County: Macomb (20)

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 on behalf of the Department of Human Services (DHS).

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 August 2009-January 2010, Claimant, a FAP recipient, received \$125 and \$135 FAP benefits per month.
2. On September 12, 2009, Claimant filed a notice of hearing request with DHS.
3. From February-July 2010, Claimant's benefits were reduced to \$70 per month.
4. At the hearing, Claimant testified she is not disputing the FAP benefits of \$125 and \$135 she previously received.
5. At the hearing, DHS agreed to recalculate Claimant's benefits for February-July 2010.

6. At the hearing, after DHS agreed to recalculate Claimant's benefits for February-July 2010, Claimant indicated that she no longer wished to proceed with the hearing.

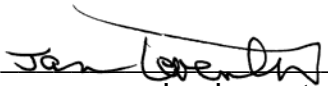
CONCLUSIONS OF LAW

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). These manuals are available online at www.michigan.gov/dhs-manuals.

In this case, the parties agreed to a settlement agreement whereby DHS will recalculate Claimant's FAP benefits for the six-month period of February-July 2010. As the parties have reached an agreement, it will not be necessary for the Administrative Law Judge to decide the issues presented in this case.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, determines that the parties have reached a settlement agreement in this matter, whereby DHS will recalculate Claimant's FAP benefits for the months of February-July 2010. Based on this agreement, IT IS ORDERED that DHS shall recalculate Claimant's FAP benefits for the months of February-July 2010, in accordance with all DHS policies 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

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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:

