

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.: 2011-3139
Issue No.: 1000/3000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: January 5, 2011
Wayne County DHS (55)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 hearing was held in Hamtramck, Michigan on Wednesday, January 5, 2011. The Claimant appeared and testified. The Claimant was represented by [REDACTED] of [REDACTED]. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly terminated the Claimant's FIP benefits and reduced the Claimant's FAP benefits for the month of September 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 is a FAP and FIP recipient.
2. On August 11, 2010, the Office of Child Support issued a Notice of Cooperation.
3. The Claimant's case was sanctioned for the month of September 2010 resulting in a reduction in FAP benefits and no FIP benefits.
4. On September 17, 2010, the Department received the Claimant's written request for hearing.

CONCLUSIONS OF LAW

The Food Assistance Program, 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 (“DHS”), formerly known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Bridges Administrative Manual (“BAM”), the Bridges Eligibility Manual (“BEM”), and the Bridges Reference Manual (“BRM”).

The Medical Assistance (“MA”) program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act. 42 USC 1397 and is administered by the Department of Human Services (“DHS”), formerly known as the Family Independence Agency, pursuant to MCL 400.10, *et seq* and MCL 400.105. Departmental policies are found in the BAM, BEM, and BRM.

During the hearing, the Department agreed to supplement the Claimant the \$403.00 in FIP benefits and supplement the Claimant the \$167.00 in FAP benefits for the month of September. As a result of the accord, there is no further issue to address.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds the Department’s actions are not upheld.

Accordingly, it is ORDERED:

1. The Department’s actions are not upheld.
2. The Department shall, as agreed, supplement the Claimant the \$403.00 in FIP benefits for September 2010 in accordance with department policy.
3. The Department shall, as agreed, supplement the Claimant the \$167.00 in FAP benefits for the month of September 2010 in accordance with department policy.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Duane Berger, Director
Department of Human Services

2011-3139/CMM

Date Signed: 1/06/2011

Date Mailed: 1/06/2011

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 of the rehearing decision.

CMM/jlg

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