

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Hearing

Reg.
Issue

No: 2011 32895
No. 3003
Case No: [REDACTED]
Date: June 6, 2011
[REDACTED]

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 hearing. After due notice, a telephone hearing was conducted by the undersigned in Detroit, Michigan on June 6, 2011. The Claimant was present and testified. [REDACTED] FIS appeared on behalf of the Department.

ISSUE

Whether the Department properly calculated the Claimant's Food Assistance Program ("FAP") benefits for the months of February, March, and April, 2011.

FINDINGS OF FACT

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

1. The Claimant applied for FAP and FIP cash assistance on January 4, 2011.

2. The Claimant receives RSDI in the amount of \$579 per month and received an additional \$600 in money from her husband for the months of February, March, and April, 2011.
3. The Claimant received \$274 FIP cash assistance in February and \$337 in Food Assistance (FAP).
4. The Department included the incorrect amount of rent for the Claimant in the month of February 2011. The Department used a rent amount of \$750. The correct rent was \$1500. The rent was verified by the Claimant at the time of her application and confirmed at the hearing.
5. The Department also did not include the correct rent of \$1500 in the FAP budgets for March, and April, 2011.
6. At the hearing the Department agreed to recalculate the FAP budgets for the months of February, March, and April, 2011 and to include the correct income amounts for those months of \$1179 and rent in the amount of \$1500 based upon a group size of 3 members and the fact that the group is an SDV group.
7. The Department also agreed to issue a FAP supplement to the Claimant for any additional FAP benefits the Claimant is otherwise eligible to receive.
8. Based upon this agreement by the Department, the Claimant indicated that she 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 MCL 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 Reference Table (RFT).

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 continue through the day of the hearing.

In the present case the Department has agreed to recalculate the FAP budgets for the months of February, March, and April, 2011 and to include the correct income amounts for those months of \$1179 and rent in the amount of \$1500 based upon a group size of 3 members and the fact that the group is an SDV group. The Department also agreed to issue a supplement to the Claimant for FAP benefits for the months of February, March, and April 2011 for FAP benefits the Claimant was otherwise entitled to receive. As a result of these agreements, Claimant indicated she no longer wished to proceed with the hearing. Since the Claimant and the Department have come to an agreement it is unnecessary for this 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 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.

Accordingly it is ORDERED:

1. The Department shall recalculate the Claimant's FAP benefits for the months of February, March, and April 2011. When calculating the FAP

benefits the Department shall use income for the Claimant's FAP group in the amount of \$1179, rent in the amount of \$1,500. The Department shall also calculate the benefits for these months based upon a FAP group size of 3 and as an SDV group.

2. The Department shall issue a supplement to the claimant for FAP benefits for the months of February, March, and April, 2011 for FAP benefits she was otherwise eligible to receive.



Lynn M. Ferris

Administrative
for
Department

Law Judge
Maura Corrigan, Director
of Human Services

Date Signed: June 14, 2011

Date Mailed: June 14, 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 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

LMF/cl

cc:

