

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No. 201134383  
Issue No. 3002  
Case No. [REDACTED]  
Hearing Date: June 14, 2011  
Macomb County DHS (12)

**ADMINISTRATIVE LAW JUDGE:** Christian Gardocki

**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 June 14, 2011. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED] Specialist, and [REDACTED] Specialist, appeared and testified.

**ISSUE**

Whether DHS properly determined Claimant's Food Assistance Program (FAP) benefit eligibility as \$16/month effective 5/2011.

**FINDINGS OF FACT**

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

1. On 4/13/11, Claimant applied for FAP benefits.
2. On 4/14/11, DHS determined Claimant to be eligible for \$16/month in FAP benefits effective 5/2011.
3. On 5/16/11, Claimant requested a hearing to dispute the \$16/month FAP benefit issuance for 5/2011.
4. Claimant did not dispute any of the amounts budgeted by DHS in the 5/2011 FAP benefit determination.

### **CONCLUSIONS OF LAW**

The Food Assistance Program (formerly known as the Food Stamp 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). DHS (formerly known as the Family Independence Agency) administers the FAP pursuant to Michigan Compiled Laws 400. 10, *et seq.*, and Michigan Administrative Code R 400.3001-3015. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT). Updates to DHS regulations are found in the Bridges Policy Bulletin (BPB).

The undersigned will refer to the DHS regulations in effect as of 4/2011, the month of the DHS decision which Claimant is disputing. Current DHS manuals may be found online at the following URL: <http://www.mfia.state.mi.us/olmweb/ex/html/>.

The present case involved a dispute of Claimant's 5/2011 FAP benefit issuance of \$16. Claimant's primary reason for disputing the issuance was that she received a higher amount of FAP benefits in the past. Claimant's reasoning for requesting a hearing is appropriate to explain why a hearing was requested though the past benefit issuances have no impact on the correctness of the 5/2011 FAP issuance.

As a courtesy to Claimant, DHS researched Claimant's previous FAP benefit issuances and determined that DHS previously factored a \$531/month medical expense which was not factored into the 5/2011 benefit determination. Claimant conceded that she no longer was responsible for the medical expense. Based on this explanation, Claimant stated that she now understood why her FAP benefits were less than what she previously received.

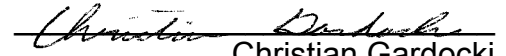
DHS provided Claimant's FAP budget for 5/2011 (Exhibit 1). Claimant did not dispute any of the amounts DHS budgeted for Claimant's income or expenses. The undersigned verified the DHS calculation was correct and the proper benefit issuance for 5/2011 was \$16. It is found that DHS properly determined Claimant's FAP benefit issuance as \$16/month for 5/2011.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly determined Claimant's FAP benefits for 5/2011 as

201134383/CG

\$16/month. The actions taken by DHS are AFFIRMED.

  
Christian Gardocki  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

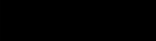

Date Signed: June 24, 2011

Date Mailed: June 24, 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.

CG/ctl

cc:   
Macomb County DHS (12)  
  
Christian Gardocki  
Administrative Hearings