

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

IN THE MATTER OF:

Issue

[REDACTED]

Reg. No.: 2011-35674

No.: 3015

Case No.: [REDACTED]

Hearing Date: June 23, 2011

DHS County: Macomb (12)

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 [REDACTED] request for a hearing. After due notice, a telephone hearing was held on June 23, 2011. The Claimant appeared and testified at the hearing. [REDACTED] Eligibility Specialist, appeared and testified for the Department of Human Services (DHS).

ISSUE

Whether Claimant's allotment of Food Assistance Program (FAP) benefits was determined in accordance with DHS policies and procedures?

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. In about May, 2011, Claimant applied for FAP with DHS.
2. Claimant's income consists of \$1,500 per month assistance from his mother.
3. On May 19, 2011, DHS approved Claimant for FAP benefits of \$16 per month.
4. On May 25, 2011, Claimant filed a Request for a Hearing with DHS.

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 FAP pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code Rules 400.3001-400.3015. Department policies are found in Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM) and Reference Tables (RFT). These manuals are available online at www.michigan.gov/dhs-manuals.

At the Administrative Hearing on June 23, 2011, all parties testified in accordance with the above four findings of fact. In reaching my decision I consulted DHS Reference Table 260, "FAP Income Limits." This chart shows that for a FAP group of one person with a countable net income of \$901, the correct FAP allotment is \$16. Therefore I find and conclude that DHS is correct in its calculations. RFT 260, p. 8.

In conclusion, based on the findings of fact and conclusions of law, I find and conclude that DHS correctly allotted Claimant's FAP benefit amount. DHS is AFFIRMED. DHS need take no further action in this case.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, states that DHS is AFFIRMED in this case. DHS need take no further action in this matter.



Jan Leventer
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: June 23, 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.

2011-35674/JL

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/cl

cc:

