

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

IN THE MATTER OF:

[REDACTED]

Reg. No. 2011-38821  
Issue No. 3002  
Case No. [REDACTED]  
Hearing Date: July 20, 2011  
Wayne County DHS (18)

**ADMINISTRATIVE LAW JUDGE:** Susan C. Burke

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on July 20, 2011 in Detroit, Michigan. Claimant appeared and testified. [REDACTED], appeared on behalf of the Department of Human Services (Department.)

**ISSUE**

Was the Department correct in its decision to close Claimant's Food Assistance Program (FAP) case?

**FINDINGS OF FACT**

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

1. Claimant was an ongoing FAP recipient.
2. Claimant submitted pay stubs for April and May of 2011.
3. Based on Claimant's pay and other factors not in dispute, the Department closed Claimant's FAP case, effective June 1, 2011, due to net income exceeding the limit.
4. Claimant requested a hearing, stating that his hours of employment were cut and deductions for bankruptcy were taken from his pay checks.
5. Some time in the month of June, Claimant brought to the Department current pay stubs.

**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 CML 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 Program Reference Manual (PRM).

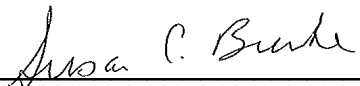
BEM 505 allows for certain deductions to be taken from income in determining FAP eligibility.

In the present case, Claimant did not dispute the income or deductions budgeted by the Department except he argued bankruptcy deductions in his pay check should also be deducted in the FAP budget. However, nothing in Department policy allows for such deductions to be taken into account. See BEM 505.

Claimant also stated that his pay had been reduced sometime in May. Claimant brought the new pay stubs into the Department and reapplied for FAP in June. I find that the reapplication is an adequate remedy for Claimant, as the case closure was effective June 1, 2011.

**DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that the Department was correct in its decision to close Claimant's FAP case effective June 1, 2011, and it is therefore ORDERED that the Department's decision is AFFIRMED. Claimant may reapply for FAP as his circumstances change.

  
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Susan C. Burke  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: July 26, 2011

Date Mailed: July 26, 2011

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**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 date of the rehearing decision.

SB/cl

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