

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.: 2011-4125
Issue No.: 3003
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: December 1, 2010
Oakland County DHS (4)

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 a hearing. After due notice, a telephone hearing was held on December 1, 2010. The claimant appeared and testified. [REDACTED], Assistant Payment Supervisor, and [REDACTED], Assistant Payment worker appeared on behalf of the Department.

ISSUE

Whether the Department properly computed the Claimant's Food Assistance Program ("FAP") budget?

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 was an ongoing FAP recipient.
2. During the Semi-Annual Contact reporting period in August 2010, the Claimant reported that one of the group members, her son, no longer lived with the group. The Son was removed from the group in the budget run by the Department on September 1, 2010.
3. The claimant reported a reduction in child support for one of her children to \$50 a month on the Semi Annual Contact Report. Exhibit 1
4. The claimant's did not provide verification of the child support reduction to the department.

5. The Claimant confirmed at the hearing that she was receiving unemployment compensation and the unearned income monthly income of \$1320 used to calculate the FAP benefits was correct.
6. The department incorrectly calculated the average monthly child support for [REDACTED] when calculating the September 1, 2010 FAP budget.
7. The correct numbers to be averaged for child support are: July 2010 (\$320.13); August 2010 (\$437.21); September and 2010 (\$347.47). Exhibit 2
8. At the hearing, the Department agreed to recalculate the FAP budget retroactive to September 1, 2010 and correctly averaged the child support payment received for [REDACTED] and recalculate the total unearned income received. The department also agreed to issue a FAP supplement for any benefits the claimant was otherwise entitled to receive.
9. Based upon the foregoing 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 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 Bridges Reference Manual (BRM).

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 continues through the day of the hearing.

In the present case, the Department has agreed to recalculate the claimant's FAP budget for the month of September 2010 to correct the previous error which resulted when the department's Bridges system included the wrong monthly average for child support for one of the claimant's children, [REDACTED]. The department acknowledges

the error and agreed to recalculate the budget retroactive to September 1, 2010 and properly average the child support received as shown on Exhibit 2 referenced in this decision. The department further agreed to issue a FAP supplement retroactive to September 1, 2010 to the claimant for any FAP benefits she 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 above 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 budget for September 2010 and shall include the correct amount of the average child support received by the claimant as unearned income for her son [REDACTED] [REDACTED] consistent with the monthly child support received referenced in this decision in the Findings of Fact, paragraph 7.
2. The department shall issue a supplement to the claimant for any FAP benefits she was other wise entitled to receive retroactive to September 1, 2010.



Lynn M. Ferris
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 12/6/2010

Date Mailed: 12/6/2010

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

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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.

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