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

IN THE MATTER OF:



Reg. No.: Issue No.: Case No.: Hearing Date:

2011-44808 3002

August 22, 2011 Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Susan 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 t elephone hearing was held on August 22, 2011 in De troit, Michigan. Claimant appeared and testified. The Department of Human Services (Department) was represented by and

<u>ISSUE</u>

Was the D epartment correct in i ts calculation of Claimant's Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

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

- 1. Claimant was an ongoing FAP recipient.
- 2. Claimant's income decr eased in May of 2011 and Claimant submitted her pay stubs reflecting the decrease to the Department.
- 3. The Depar tment did not use Claimant's May income to determine June 2011 benefits.
- 4. Claimant requested a hearing on July 11, 2011, protesting the amount of FAP benefits determined by the Department.

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CONCLUSIONS OF LAW

The Food Assistanc e Program (FAP) (formerly known as the Food Stamp (FS) program) is establis hed by the Food St amp Act of 1977, as amended, and is implemented by the federal r egulations 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 Manua I (BAM), the Bridges Eligibility Manual (B EM) and the Program Reference Manual (PRM).

BEM 550 directs that earned income is counted in determining FAP benefits.

In the instant case, Claimant reported a reduction of inco me to the Department and submitted May 2011 pay stubs. The Department did not use the May 2011 pay stubs for the June 2011 calculation of benefits. The Department was therefore not correct in its calculation of Claimant's benefits.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law decides that the Department was not corre ct in its calculation of Claimant's FA P benefits. It is therefore O RDERED that the Department's decision is REVERSED. It is further ORDERED:

- 1. The Department shall recalculat e Claimant's FAP benef its for June 2011 and ongoing.
- 2. The Department shall issue s upplements for any missed or increased FAP benefits.

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

Date Signed: 8/25/11

Date Mailed: 8/25/11

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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 wit hin 30 days of the ma iling date of this Decision and Order. Administrative Hear ings will not orde r a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 ti mely request for rehearing was made, within 30 days of the receipt of the rehearing decision.

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