

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE CLAIM OF:

[REDACTED]

Reg. No.: 201112537
Issue No.: 3000, 6000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: January 31, 2011
County DHS

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 the claimant's request for a hearing. After due notice, a telephone hearing was held on January 31, 2011. The claimant appeared and testified. The Department of Humans Services (Department) was represented by FIM [REDACTED].

ISSUE

Did the Department correctly calculate Claimant's income for Food Assistance Program (FAP) and Child Development Care (CDC) benefits?

FINDINGS OF FACT

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

1.) Claimant was an ongoing FAP and CDC recipient.

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2.) On December 21, 2010, the Department issued a case action notice based on income derived from what appeared to be bi-weekly checks.
3.) Claimant requested a hearing on January 3, 2011, contesting the calculation, as she believed that she was receiving paychecks twice monthly, on the 1st and 15th of the month.
4.) At the hearing, the Department agreed to re-calculate Claimant's FAP and CDC eligibility/benefits for December 1, 2010 and ongoing, based on Claimant's actual income. Claimant agreed to provide to the Department pay stubs for November of 2010, December of 2010 and January of 2011. As a result of the agreement, 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 Program Reference Manual (PRM).

The Child Development and Care program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department of Human Services (formerly known as the Family Independence Agency) provides services to adults and children pursuant to MCL 400.14(1) and Michigan Administrative Code Rules R 400.5001-5015. Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program 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 department provides an Administrative Hearing to review the decision and determine if it is appropriate. Department policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the department receives a hearing request and continues through the day of the hearing.

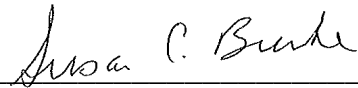
In the present case, the Department agreed to re-calculate Claimant's FAP and CDC eligibility/benefits for December 1, 2010 and ongoing, based on Claimant's actual income. Claimant agreed to provide to the Department pay stubs for November of 2010, December of 2010 and January of 2011. As a result of this agreement, Claimant

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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 decides that the Department and Claimant have come to a settlement regarding Claimant's request for a hearing. Therefore, it is ORDERED that the Department re-calculate Claimant's FAP and CDC eligibility/benefits for December 1, 2010 and ongoing, based on Claimant's actual income, in accordance with this settlement.



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

Date Signed: February 9, 2011

Date Mailed: February 9, 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 date of the rehearing decision.

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