

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.: 2011-13347
Issue No.: 3003
Case No.: [REDACTED]
Hearing Date: February 10, 2011
Wayne County DHS (18)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 February 10, 2011. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED] appeared and testified.

ISSUE

Whether DHS properly calculated Claimant's unemployment compensation (UC) income stemming from an application dated 12/16/10 for Food Assistance Program (FAP) benefits.

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 applied for FAP benefits on 12/16/10.
2. As of 12/16/10, Claimant was not receiving UC income.
3. In determining Claimant's eligibility for FAP benefits for 12/2010 and forward, DHS budgeted UC income for Claimant.
4. On an unspecified date, DHS denied Claimant's FAP benefit application due to excess income.
5. On 1/3/2011, Claimant requested a hearing disputing the denial of FAP benefits.

6. DHS now agrees that UC income was improperly included as part of Claimant's FAP benefit budget for 12/2010.

CONCLUSIONS OF LAW

The Food Assistance Program (formerly known as the Food Stamp 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 Michigan Compiled Laws 400.10, *et seq.*, and Michigan Administrative Code R 400.3001-3015. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT). Updates to DHS regulations are found in the Bridges Policy Bulletin (BPB).

For non-child support income, DHS is to budget income from the past 30 days if it appears to accurately reflect what is expected to be received in the benefit month. BEM 505 at 4. In determining Claimant's eligibility for FAP benefits based on Claimant's application dated 12/16/2010, DHS budgeted UC income for Claimant. It was not disputed that Claimant had not received UC income for several months prior to his application for FAP benefits. DHS admitted that the inclusion of the UC income was an error and that DHS should redetermine Claimant's eligibility for FAP benefits effective 12/16/10. Claimant agreed with this proposed resolution.

As the proposed settlement appears to comply with DHS regulations, the undersigned is inclined to accept the resolution reached by the parties. The below order reflects the terms of the agreement reached by Claimant and DHS.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact, conclusions of law and by agreement of the parties, finds that DHS improperly denied Claimant's application for FAP benefits. It is ordered that DHS redetermine Claimant's eligibility for FAP benefits beginning with Claimant's application date of 12/16/2010 in accordance with the above findings and DHS regulations. The actions taken by DHS are REVERSED.



Christian Gardocki
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

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Date Signed: 2/17/2011

Date Mailed: 2/17/2011

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.

CG/jlg

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