

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.: 2011-14897
Issue No.: 3000
Case No.: [REDACTED]
Hearing Date: February 14, 2011
DHS County: Wayne (82-18)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and M 400.37, and Claimant [REDACTED] request for a hearing. After due notice, a telephone hearing was held on February 14, 2011. Claimant appeared and testified at the hearing. [REDACTED] [REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether DHS properly terminated Claimant's Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

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

1. In 2010, Claimant and her family received FAP benefits.
2. In December 2010, DHS conducted a Semi-Annual Review procedure and requested current income and expense information from Claimant.
3. DHS' calculations did not take into account the fact that Claimant worked only two weeks, not four, in December 2010.
4. On January 1, 2011, DHS terminated Claimant's FAP benefits.
5. On January 12, 2011, Claimant filed a notice of hearing request with DHS.

6. At the hearing on February 14, 2011, DHS agreed to recalculate Claimant's income, including the information that Claimant worked only two weeks in December 2010.
7. After DHS agreed to recalculate Claimant's FAP benefits, Claimant testified she no longer wished to proceed with the hearing.

CONCLUSIONS OF LAW

FAP was established by the U.S. Food Stamp Act of 1977 and is implemented by Federal regulations contained in Title 7 of the Code of Federal Regulations. DHS administers the FAP program pursuant to MCL 400.10, *et seq.*, and Michigan Administrative Code Rules 400.3001-400.3015. DHS' policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables (RFT). These manuals are available online at www.michigan.gov/dhs-manuals.


Under BAM Item 600, clients have the right to contest any DHS decision affecting eligibility or benefit levels whenever they believe the decision is illegal. DHS provides an Administrative Hearing to review the decision and determine if it is appropriate. DHS policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when DHS receives a hearing request and continue through the day of the hearing.

In this case, the parties stipulated to a settlement agreement whereby DHS will recalculate Claimant's FAP benefits based on Claimant's actual income in December 2010. As the parties have reached an agreement, it will not be necessary for the Administrative Law Judge to decide the issue presented in this case.

Based on the findings of fact and conclusions of law above, and on the stipulation of the parties, IT IS HEREBY ORDERED that DHS shall recalculate Claimant's eligibility for FAP benefits for December 2010, and thereafter, using Claimant's actual income for December 2010. All steps shall be taken in accordance with DHS policy and procedures.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, determines that the parties have reached a settlement agreement in this matter, whereby DHS will recalculate Claimant's eligibility for FAP benefits based on her actual income in December 2010. Based on this agreement, IT IS ORDERED that DHS shall recalculate Claimant's eligibility for FAP benefits, based on her actual December 2010 income, in accordance with all DHS policies and procedures.


Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 17, 2011

Date Mailed: February 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.

JL/pf

cc:

