

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.: 2011-20825
Issue No.: 3000
Case No.: [REDACTED]
Hearing Date: March 22, 2011
DHS County: Wayne (82-57)

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 400.37, and Claimant [REDACTED] request for a hearing. After due notice, a telephone hearing was held on March 22, 2011. Claimant appeared and testified at the hearing. [REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether Claimant seeks to challenge DHS' reduction of her 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 August, 2010, DHS provided Claimant with FAP benefits.
2. On October 25, 2010, Claimant reported income to DHS on a DHS application form for State Emergency Relief (SER) benefits.
3. Retroactive to October 1, 2010, DHS reduced Claimant's FAP benefits from \$200 to \$173.
4. On or about November 8, 2010, Claimant made a verbal request for a hearing, which DHS accepted.

5. At the Administrative Hearing on March 22, 2011, Claimant testified that she thought the hearing was to be about the denial of SER benefits, and she did not wish to pursue the FAP issue. Claimant asked the Administrative Law Judge to withdraw her request for a hearing.
6. After Claimant gave this testimony, DHS agreed that as Claimant was satisfied, it was no longer necessary to continue 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, Claimant testified that she did not wish to challenge the reduction of her FAP benefits and believed that the hearing was for the purpose of adjudicating her right to SER benefits. At the hearing, DHS testified that Claimant would be receiving another Notice of Hearing for an Administrative Hearing about her SER benefits. As all parties indicated to the Administrative Law Judge that a hearing on the FAP issue was not necessary, I find I do not need to decide the issue presented in this case.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law and the agreement of the parties, states IT IS HEREBY ORDERED that this case is DISMISSED. DHS need take no further action in this matter.

IT IS SO ORDERED.



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

Date Signed: March 29, 2011

Date Mailed: April 4, 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:

