

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.: 2011-20888
Issue No.: 3000
Case No.: [REDACTED]
Hearing Date: March 23, 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 23, 2011. Claimant appeared and testified at the hearing. [REDACTED]

[REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether Claimant's Food Assistance Program (FAP) benefits are at a level which is in accordance with DHS policies and procedures?

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. On August 1, 2009, Claimant began receiving FAP benefits from DHS for a family group of three.
2. From May 1, 2010-September 30, 2010, a period of five months, Claimant received FAP benefits of \$392 per month.
3. In October 2010, DHS issued \$504 FAP benefits to Claimant.
4. In about October 2010, DHS requested shelter verification from Claimant.
5. On November 1, 2010, Claimant's FAP benefits decreased from \$504 to \$314.

6. On February 11, 2011, Claimant filed a notice of hearing request with DHS.
7. At the Administrative Hearing held on March 23, 2011, the Department offered to provide Claimant with an explanation of her May-September 2010 benefits and recoupments, and the Department offered to use the shelter verification from the hearing to recalculate Claimant's November 2010-February 2011 FAP benefits and provide her with supplemental benefits if appropriate.
8. At the hearing, Claimant testified that she was satisfied with the Department's offer and no longer wished to continue the Administrative 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 Department agreed to provide Claimant with an explanation of her May-September FAP benefits (five months) and the recoupments taken from her benefits. DHS also agreed to accept the shelter verification Claimant presented at the hearing, to review and recalculate Claimant's FAP benefits for November 2010-February 2011 (four months), and to provide any appropriate supplemental benefits. As both parties indicated to the Administrative Law Judge that they are in agreement, I find I do not need to decide the issue presented in this case.

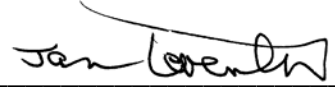
DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact, conclusions of law and the settlement agreement of the parties, states IT IS HEREBY ORDERED that DHS shall provide Claimant with an explanation of her benefits and the recoupments taken for May-September 2010 (five months), and DHS shall accept Claimant's shelter verification for November 2010-February 2011 (four months), review and recalculate her

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FAP benefits for this period, and provide Claimant with supplemental FAP benefits as appropriate. All actions shall be taken in accordance with DHS policy and procedures.

IT IS SO ORDERED.



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

Date Signed: March 30, 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:

