

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]
March

Reg
Issue
Case
Hearing

No: 201120983
No: 3003
No: [REDACTED]
Date:
22, 2011
Wayne County DHS (35)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 in Detroit on March 22, 2011. The Claimant appeared and testified. [REDACTED] worker appeared on behalf of the Department.

ISSUE

Whether the Department properly calculated claimant's FAP budget for FAP benefits for the period March 1, 2011.

FINDINGS OF FACT

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

- (1) The claimant was an ongoing FAP recipient. The Claimant reported that her unemployment income stopped in February 2011, and the change was not made by the Department to affect the Claimant's FAP benefits.
- (2) The Claimant received FAP benefits for the month of March 2011 in the amount of \$16 and was entitled to receive \$200. The Department agreed that the Claimant was under issued FAP benefits.

- (3) The Department did not complete a new FAP budget when it should have so the Claimant's FAP benefits for March 2011 did not increase.
- (4) At the hearing, the Department agreed that the Claimant had properly reported the decrease in income and that her March 2011 benefits should have been increased and should have been \$200. The Department agreed to complete the new budget and issue the Claimant a supplement for FAP benefits she was entitled to receive for March 2011.
- (5) As a result of this agreement, the claimant no longer wished to proceed with the hearing.

CONCLUSIONS OF LAW

The Food Assistance Program, 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 ("DHS"), formally known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges 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 agency provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the agency receives a hearing request and continues through the day of the hearing.

In the present case, the parties reached an agreement whereby the Department agreed to recalculate the claimant's FAP budget to reflect the fact that she no longer


receives unemployment benefits and properly reported the change to the Department, and agreed the change in the Claimant FAP benefits should have been effective March 1, 2011. The Department further agreed to issue a FAP supplement to the Claimant for the month of March 2011 for FAP benefits she was otherwise entitled to receive in the amount of \$200 based upon the recalculated budget which it computed prior to 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 Department and Claimant have come to a settlement regarding claimant's request for a hearing and based upon the Findings of Fact and Conclusions of Law, therefore it is ORDERED:

The Department shall issue a FAP supplement to the Claimant for the month of March 2011 so that the total FAP benefits received by the Claimant total \$200, the correct amount of FAP benefits the Claimant was entitled to receive.

Administrative
for
Department


Lynn M. Ferris
Law Judge
Maura Corrigan, Director
of Human Services

Date Signed: 03/30/11

Date Mailed: 03/30/11

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.

LMF/dj

cc:

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