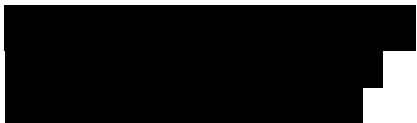


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 2011-24869
Issue No.: 3002
Case No.: [REDACTED]
Hearing Date: May 18, 2011
DHS County: Oakland (63-04)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a hearing was held on May 18, 2011. Claimant appeared and testified.

ISSUE

Did the Department properly calculate Food Assistance Program benefits?

FINDINGS OF FACT

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

1. On March 9, 2011, a review was completed on Claimant's FAP case. The Department determined an error had been made regarding Claimant's household income.
2. On March 9, 2011, the Department issued a negative action notice regarding Claimant's FAP benefits, reducing the monthly benefit amount from \$253 to \$134.
3. On March 21, 2011, the Department received a hearing request from the Claimant protesting the reduction in FAP benefits.

CONCLUSIONS OF LAW

FAP [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

administers FAP pursuant to MCL 400.10 et seq. and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In the present case, Claimant disputes the amount of her FAP benefit. The Department determined an error had been made regarding Claimant's unearned income calculation. The Department acknowledged the mistake was their mistake. However, the Department determined the \$374 entered as unearned income was not correct and the correct amount should have been \$640. This change resulted in a reduction in FAP benefits from \$253 to \$134. Claimant confirmed the amount of unearned income being received in her household was correct.

The Department properly determined that Claimant's original FAP budget was incorrect. The Department properly reduced the Claimant's FAP benefits based upon the correct information.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the following:

The Department decision is hereby UPHELD.



Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 19, 2011

Date Mailed: May 19, 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.

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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.

JWO/pf

cc:

