

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-29959
Issue No.: 3000
Case No.: [REDACTED]
Hearing Date: May 16, 2011
DHS County: Oakland (63-02)

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 May 16, 2011. Claimant appeared and testified at the hearing. [REDACTED] appeared and testified as a witness for Claimant. [REDACTED], and [REDACTED] [REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether DHS calculated Claimant's Food Assistance Program (FAP) benefits 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 March 18, 2011, Claimant applied for FAP benefits for himself and his wife, [REDACTED].
2. [REDACTED] was employed.
3. On March 20, 2011, [REDACTED] lost her job.
4. From March 21-31, 2011, DHS awarded FAP benefits based on Claimant's wife's income and failed to adjust Claimant's FAP benefits to reflect the loss of employment.

5. On April 18, 2011, Claimant filed a request for a hearing with DHS.
6. At the Administrative Hearing on May 16, 2010, DHS offered to recalculate Claimant's March 21-31, 2011, FAP benefits and pay an appropriate supplement to Claimant.
7. As a result of DHS' offer, Claimant testified that he no longer wished to continue with 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 FAP 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. BAM 600.

In this case, the parties stipulated to a settlement agreement whereby DHS will review and recalculate Claimant's March 21-31, 2011, FAP benefits and provide him with an appropriate adjustment retroactively. As the parties have reached an agreement, it is not necessary for the Administrative Law Judge 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 ORDERED that DHS shall review and recalculate Claimant's March 21-31, 2011, FAP benefits and provide an appropriate supplement to him. All steps shall be taken in accordance with DHS policies and procedures.



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

Date Signed: May 17, 2011

Date Mailed: May 18, 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:

