

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.: 2011-3085
Issue No.: 3003
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 22, 2010
Wayne County DHS (43)

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 on November 22, 2010. The claimant appeared and testified. [REDACTED], FIS appeared on behalf of the Department.

ISSUE

Whether the department properly calculated claimant's FAP budget for the period October 1, 2010?

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 is an ongoing FAP recipient. The Claimant currently resides at a shelter at the [REDACTED].
2. The Claimant began receiving unemployment benefits in August 22, 2010 in the amount of \$956 per month. The Bridges system recalculated the Claimant's benefits based on this change in income.
3. The Claimant confirmed the amount of the unemployment benefits received in August, but testified that it currently is less but had not reported the decrease to the Department.
4. The Claimant began paying shelter expenses on September 25, 2010 and reported the change to the Department on October 11, 2010.

5. The Department records indicated that the Claimant had a child support obligation of \$84 per month in August 2010 but did not include any child support in the Claimant's FAP budget when his FAP benefits were decreased as of October 1, 2010.
6. The Claimant was sent a Verification Checklist on October 20, 2010 to be returned by the Department on November 1, 2010 to verify his child support payments. The verification checklist was sent to the Claimant at [REDACTED]. This address was the last address the Department had for the Claimant.
7. The verification checklist was not returned to the Department.
8. The Claimant's benefits were changed by notice of case action on October 1, 2010 and were decreased because he was not paying shelter expenses and the unemployment income received.
9. The Claimant provided an order for Child support dated November 19, 2010 and turned it in at the hearing on November 22, 2010 to the department.
10. The Claimant's current obligation \$162.50 per month as of October 21, 2010 and will be put into effect and included in the Claimant's FAP budget for December 2010.
11. The Department agreed that the Claimant's FAP budget is required to be changed beginning December 1, 2010 to adjust for the change in unemployment benefits, child support and shelter expenses.
12. The Department also agreed that it would recalculate the Claimant's FAP budget and supplement the Claimant for any benefits he was otherwise entitled to receive retroactive to October 1, 2010 when his benefits were decreased and will include child support of \$84 per month which was the last verified amount for child support at that time.
13. Based upon these agreements reached at the hearing the Claimant indicated that he no longer wished to proceed with the hearing.

CONCLUSIONS OF LAW

The Food Assistance Program (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 of Human Services (formerly known as the Family Independence Agency) administers the FAP program pursuant to CML 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 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 for the period beginning October 1, 2010 when the Claimant's FAP benefits were decreased as a result of the Claimant receiving unemployment benefits and no shelter allowance and shall recalculate the benefits to include \$84 in child support. For FAP benefits beginning December 1, 2010 the Department agreed to recalculate the Claimant's FAP budget to include the Claimant's current court ordered child support presented at the hearing in the amount of \$162.50 and to use the correct unemployment benefit amount for unearned income which has decreased since August. The Department further agreed to include the Claimant's shelter expenses which were reported to it in October 11, 2010.

Once the budgets for October and December are recalculated the claimant shall be entitled to receive any FAP benefit increase, if any, he was otherwise entitled to receive for those months. Since the claimant and the department have come to an agreement it is unnecessary for the Administrative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department and Claimant have come to a settlement regarding claimant's request for a hearing, therefore it is ORDERED:

1. The Department shall recalculate the claimant's FAP benefits for two periods: October 1, 2010 and December 1, 2010.
2. The Department shall recalculate the budget beginning October 1, 2010 when the FAP benefits were decreased and shall include child support in

the calculation in the amount it had verified for child support at the time as \$84.00 per month.

3. The Department shall issue a supplement for FAP benefits, if any the Claimant was otherwise entitled to receive for October and November 2010.
4. The Department shall also calculate a budget effective for December 1, 2010 which includes the Claimant's current court ordered child support in the amount of \$162.50, the current unemployment benefits received by the Claimant as reduced and the shelter expense as verified by the Claimant to the Department on October, 11, 2010. Once the budget is calculated the Claimant shall be entitled to receive FAP benefits based on this budget effective December 1, 2010 for any FAP benefits he is otherwise entitled to receive.



Lynn M. Ferris
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 12/8/2010

Date Mailed: 12/8/2010

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 of the rehearing decision.

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