

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 201133917
Issue No: 3002
Case No: [REDACTED]
Hearing Date:
June 15, 2011
Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on May 4, 2011. After due notice, a telephone hearing was held on Wednesday, June 15, 2011.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Food Assistance Program (FAP) eligibility?

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 Food Assistance Program (FAP) recipient.
2. The Claimant received on overissuance of Food Assistance Program (FAP) benefits of \$7,179, with an outstanding balance of \$3,724 as of May 16, 2011.
3. The Department issued the Claimant supplementary Food Assistance Program (FAP) benefits for January of 2011, and February of 2011, due to an error in entering the Claimant's income into its computer system.
4. The Department applied the supplementary Food Assistance Program (FAP) benefits towards the Claimant's FAP overissuance.
5. The Department received the Claimant's request for a hearing on May 4, 2011, protesting amount of her Food Assistance Program (FAP) allotment.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (formerly known as the Food Stamp 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 or Department), administers the FAP program 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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

Supplemental Food Assistance benefit issuances (supplements) must be issued:

- When the regular FAP issuance for the current or prior month(s) is less than the group is eligible for, or
- For periods when the group was eligible but received no regular benefits.

Supplements correcting underissuances in previous months may be “offset” against overissuances. This means that the amount of the overissuance is subtracted from the amount of the supplement. This might result in the whole supplement being credited.

Offsetting occurs when:

- The benefit recovery system shows an overissuance balance, and
- A supplement is authorized to correct a previous month(s) underissuance, and
- The supplement was ordered by a court or administrative law judge and the order does not specifically prohibit offsetting. BAM 406.

In this case, the Claimant received an overissuance of Food Assistance Program (FAP) benefits and the Department is applying a portion of her current active benefits to satisfy this debt. The Department issued the Claimant supplementary Food Assistance Program (FAP) benefits for the months of January of 2011, and February of 2011, due to an error in the processing of the Claimant’s income amount. These supplementary benefit payments were offset against the outstanding overissuance balance.

The Claimant argued that she would have received a higher monthly allotment of Food Assistance Program (FAP) benefits if the Department had properly applied her income to determine her eligibility for benefits. The Claimant argued that her Food Assistance Program (FAP) were reduced due to the Department’s error and that she was not at fault.

Although the Food Assistance Program (FAP) benefits that were available for the Claimant to use were reduced due to the Department’s error, the Claimant did not suffer any loss of benefits. Department policy requires that supplemental benefits be offset against previous overissuances of benefits. Although the Food Assistance Program (FAP) allotment that was available for the Claimant's use in January of 2011, and February of 2011, was less than it would have been if the Department had properly

determined her eligibility for benefits, the Claimant benefited from the supplementary FAP benefits because her overissuance balance was reduced.

Based on the evidence and testimony available during the hearing, the Department has established that it issued the Claimant a Food Assistance Program (FAP) allotment in accordance with policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's Food Assistance Program (FAP) eligibility.

The Department's Food Assistance Program (FAP) eligibility determination is AFFIRMED. It is SO ORDERED.



Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: June 16, 2011

Date Mailed: June 17, 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.

KS/tg

cc:

