

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.: 2011-3850  
Issue No.: 3000  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date: December 1, 2010  
DHS County: Wayne (19)

**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 December 1, 2010. Claimant appeared and testified. [REDACTED] appeared and testified on behalf of the Department of Human Services (DHS).

**ISSUE**

Whether DHS properly calculated Claimant's Food Assistance Program (FAP) benefits?

**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 August 1, 2009, Claimant began to receive FAP benefits of \$314 per month for herself and her son, based on their combined income.
2. Claimant's FAP benefits increased to \$340, and then to \$367 per month. They then decreased to \$118 and decreased again to \$60 per month.
3. Claimant currently receives \$344 FAP benefits per month.
4. On September 13, 2010, Claimant filed a request for hearing notice with DHS.

**CONCLUSIONS OF LAW**

FAP was established by the Food Stamp Act of 1977 and is implemented by Federal regulations in Title 7 of the Code of Federal Regulations. DHS administers the FAP

program pursuant to MCL 400.10 *et seq.*, and Michigan Administrative Code Rules 400.3001-400.3015. DHS' policies are found in Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM) and the Reference Tables (RFT). These manuals are available online at [www.michigan.gov/dhs-manuals](http://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.

At the hearing in this matter on December 1, 2010, DHS agreed to recalculate Claimant's FAP allotment to determine if any miscalculations occurred for those months when Claimant's monthly FAP benefits were reduced. As a result of this agreement by DHS, Claimant stated at the hearing that she no longer wished to continue with the hearing process, and was willing to settle the case for an order to this effect from the Administrative Law Judge.

As the parties have reached a settlement agreement, I find it is not necessary for me to adjudicate the issues in this case. I will therefore enter an order that is in accord with the stipulated settlement agreement of the parties. IT IS ORDERED that DHS shall recalculate Claimant's FAP allotment for those months in which her allotment was reduced, in accordance with DHS policies and procedures.

**DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law, and on the settlement agreement of the parties, states IT IS HEREBY ORDERED that DHS shall recalculate Claimant's FAP allotment for all previous months in which her allotment was reduced, such actions to be taken in accordance with DHS policies and procedures.



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Jan Leventer  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: December 2, 2010

2011-3850/JL

Date Mailed: December 2, 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 date of the rehearing decision.

JL/pf

cc:

