

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-39680
Issue No.: 3000
Case No.: [REDACTED]
Hearing Date: August 17, 2011
DHS County: Oakland (63-04)

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, which govern the administrative hearing and appeal process, and Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan, on August 17, 2011. Claimant appeared and testified. [REDACTED], appeared and testified on behalf of the Claimant. [REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether Claimant is eligible for 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 June 2, 2011, Claimant applied for FAP benefits with DHS.
2. Claimant received \$997 per month Retirement, Survivors and Disability Insurance benefits from the U.S. Social Security Administration.
3. Claimant received Unemployment Insurance (UI) benefits from the State of Michigan Unemployment Agency through May 25, 2011.
4. Claimant failed to report that his UI benefits ended June 2, 2011.

5. On June 2, 2011, DHS issued a Notice of Case Action denying Claimant's FAP application because his income exceeded the countable income limit required in order to qualify for FAP benefits.
6. On June 6, 2011, Claimant filed a Request for Hearing with DHS.
7. At the administrative hearing on August 17, 2011, DHS agreed to reinstate and reprocess Claimant's FAP application, omitting from the income calculation his previous UI benefits.
8. As a result of DHS' agreement to reinstate and reprocess Claimant's FAP application, Claimant testified he agreed and he no longer wished to continue 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.

At the hearing, the parties agreed to resolve the situation with the remedy that DHS will reinstate and reprocess Claimant's FAP application, deleting UI income from Claimant's countable income. As the parties have agreed to settle their differences, it is not necessary for the Administrative Law Judge to adjudicate the issues presented.

In conclusion, based on the above findings of fact, the conclusions of law, and the settlement agreement of the parties, IT IS ORDERED that DHS shall reinstate and reprocess Claimant's FAP application and supplement Claimant's benefits as appropriate in order to provide him with all benefits to which he is entitled. All steps shall be taken in accordance with DHS policy and procedures.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law and the stipulated agreement of the parties, states IT IS HEREBY ORDERED that DHS shall:

1. Initiate reinstatement and reprocessing of Claimant's FAP application effective June 2, 2011, or other appropriate date;
2. Delete UI income from Claimant's income calculation;
3. Initiate the issuance of all supplemental benefits to which Claimant is entitled, in accordance with DHS policies and procedures.

IT IS SO ORDERED.



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

Date Signed: August 18, 2011

Date Mailed: August 22, 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.

2011-39680/JL

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:

