

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

IN THE MATTER OF:

[REDACTED]

Reg. No. 2011-40105
Issue No. 3000
Case No. [REDACTED]
Hearing Date: July 28, 2011
Wayne (41)

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 July 28, 2011. The Claimant appeared and testified. [REDACTED] Eligibility Specialist, 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. In 2011, Claimant received FAP benefits for himself and his son.
2. In about May, 2011, Claimant's son gained employment, which caused the family income to exceed the income limit for receiving FAP benefits.
3. On June 3, 2011, DHS issued a Notice of Case Action terminating Claimant's FAP benefits.
4. On June 10, 2011, Claimant filed a Request for Hearing with DHS.
5. On June 30, 2011, Claimant's son moved out of the home where he lived with his father.

6. At the Administrative Hearing on July 28, 2011, DHS agreed to reinstate Claimant's FAP benefits at the appropriate level for his current family group size.
7. As a result of DHS' agreement to reinstate Claimant's FAP benefits at the proper amount for his family group size, Claimant testified 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. Department policies are found in Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM) and Reference Tables (RT). These manuals are available online at www.michigan.gov/dhs-manuals.

Under BAM 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 continue through the day of the hearing.

At the hearing the parties agreed to resolve the situation with the remedy that DHS will reinstate Claimant's FAP benefits and calculate the proper benefit amount for his current family group size. 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 Claimant's FAP benefits and calculate the appropriate amount of benefits for Claimant's current family group size. All steps shall be taken in accordance with DHS policy and procedure.

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. Reinstated Claimant's FAP benefits effective July 28, 2011 or other appropriate date;

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2. Calculate Claimant's FAP benefit based on his current family group size.

All steps shall be taken 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: July 29, 2011

Date Mailed: July 29, 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/cl

cc:

