

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-40426
Issue No.: 3002
Case No.: [REDACTED]
Hearing Date: July 28, 2011
Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Susan Burke

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on July 28, 2011 in Detroit, Michigan. Claimant appeared and testified. The Department of Human Services (Department) was represented by [REDACTED]

ISSUE

Did the Department protect Claimant's rights in processing Claimant's supplemental payments of Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Claimant was an ongoing recipient of FAP.
2. The Department issued a Bridges Site Support Ticket on April 1, 2011.
3. The Department determined that Claimant was entitled to supplemental FAP payments from February 1, 2011.
4. Claimant's full payment of FAP benefits was not issued.
5. Claimant requested a hearing on June 14, 2011, protesting the amount of FAP benefits received.

6. The Department issued a Bridges Site Support Ticket on June 28, 2011.
7. As of the date of the hearing, Claimant had not received the supplemental FAP benefits.

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).

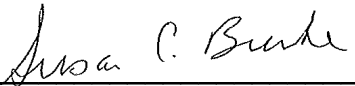
BAM 105, p. 1 instructs the Department to protect client rights.

In the present case, although the Department determined that Claimant was entitled to supplemental FAP payments back-dating to February 1, 2011, the Department did not issue the payments as of the date of the hearing. The Department worker testified credibly that a support ticket was issued prior to the request for hearing and after the request for hearing, but these tickets did not yield complete payment to Claimant. The Department did not act in a timely manner to issue Claimant payments to which she is entitled, and therefore the Department did not protect Claimant's rights.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law finds that the Department was not correct in its actions toward Claimant. It is therefore ORDERED that the Department's decision to not act timely on behalf of Claimant is REVERSED and it is further ORDERED:

- 1.) The Department shall take immediate action to determine the amount of supplemental FAP payments to which Claimant is entitled from February 1, 2011 and onward.
- 2.) The Department shall take immediate action to issue Claimant FAP supplemental payments in accordance with Department policy.



Susan Burke
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 8/1/11

Date Mailed: 8/1/11

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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