

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-44808  
Issue No.: 3002  
Case No.: [REDACTED]  
Hearing Date: August 22, 2011  
Macomb 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 August 22, 2011 in Detroit, Michigan. Claimant appeared and testified. The Department of Human Services (Department) was represented by [REDACTED] and [REDACTED].

**ISSUE**

Was the Department correct in its calculation of Claimant's 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 FAP recipient.
2. Claimant's income decreased in May of 2011 and Claimant submitted her pay stubs reflecting the decrease to the Department.
3. The Department did not use Claimant's May income to determine June 2011 benefits.
4. Claimant requested a hearing on July 11, 2011, protesting the amount of FAP benefits determined by the Department.

**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 Program Reference Manual (PRM).

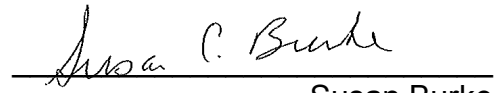
BEM 550 directs that earned income is counted in determining FAP benefits.

In the instant case, Claimant reported a reduction of income to the Department and submitted May 2011 pay stubs. The Department did not use the May 2011 pay stubs for the June 2011 calculation of benefits. The Department was therefore not correct in its calculation of Claimant's benefits.

**DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law decides that the Department was not correct in its calculation of Claimant's FAP benefits. It is therefore ORDERED that the Department's decision is REVERSED. It is further ORDERED:

1. The Department shall recalculate Claimant's FAP benefits for June 2011 and ongoing.
2. The Department shall issue supplements for any missed or increased FAP benefits.

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

Date Signed: 8/25/11

Date Mailed: 8/25/11

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**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.

SB/sm

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