

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

IN THE MATTER OF:

[REDACTED]

Reg. No. 2011-46945
Issue No. 3002
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: September 1, 2011
Wayne 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 September 1, 2011 in Detroit, Michigan. Claimant appeared and testified. The Department of Human Services (Department) was represented by [REDACTED], ES.

ISSUE

Was the Department correct in its calculation of Claimant's 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. To calculate Claimant's April, 2011 FAP benefits, the Department determined that Claimant had earned income of \$1,038.00 for the month of March, 2011.
3. Claimant did not have earned income of \$1,038.00 for the month of March, 2011.
4. On March 14, 2011 Claimant requested a hearing, protesting the calculation of FAP benefits for the month of April, 2011 and ongoing.

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).

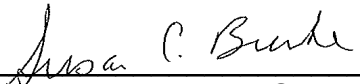
Earned income is considered, along with certain expenses, in determining the amount of FAP benefits issued. BEM 554.

In the present case, the Department could not substantiate how it arrived at \$1,038.00 of earned income for Claimant for the month of March, 2011 to calculate Claimant's FAP benefits for April, 2011. See Exhibit 9, gross earnings for March, 2011, and Exhibit 3, FAP budget for April, 2011. Therefore, the Department was not correct in its calculation of Claimant's FAP benefits for April, 2011.

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 that the Department shall:

1. Initiate recalculation of Claimant's FAP benefits, effective April 1, 2011 and ongoing.
2. Issue supplements for any missed or increased FAP payments, effective April 1, 2011 and ongoing, if Claimant is otherwise eligible for FAP.



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

Date Signed: 9/8/11

Date Mailed: 9/8/11

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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