

**STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:



Reg. No: 201259984
Issue No: 3015
Case No: [REDACTED]
Hearing Date: July 24, 2012
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 hearing was held on July 24, 2012. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly deny Claimant's redetermination for June 1, 2012 due to excess income?

FINDINGS OF FACT

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

1. Claimant was an ongoing recipient of Food Assistance Program (FAP) benefits. Claimant was due for an eligibility redetermination by June 1, 2012.
2. On April 30, 2012, Claimant submitted a Redetermination Form (DHS-1010). Claimant's Food Assistance Program (FAP) benefit group has 8 persons in it.
3. On May 30, 2012, the information polluted was used for a Food Assistance Program (FAP) financial eligibility budget. The budget indicated that Claimant exceeded the gross income limit.
4. On June 11, 2012, Claimant submitted a request for hearing and a new Food Assistance Program (FAP) application.

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 (DHS or department) administers the FAP program pursuant to MCL 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).

In this case the Department has only submitted child support data and all four of Claimant's weekly pay statements for April. All records in BRIDGES are gone due to an update process. The evidence available was used to calculate a gross income amount of [REDACTED]. RFT 250 shows that the gross income limit for a FAP group of 8 is [REDACTED]. The June 11, 2012 application was processed and Claimant's group was determined to be eligible for [REDACTED] per month.

The Department has not submitted sufficient evidence to show the May 30, 2012 Food Assistance Program (FAP) eligibility determination was correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services DID NOT properly deny Claimant's redetermination for June 1, 2012 due to excess income.

It is ORDERED that the actions of the Department of Human Services, in this matter, are REVERSED.

It is further ORDERED that Claimant's Food Assistance Program (FAP) be reinstated back to June 1, 2012 and she be supplemented for benefits lost based on the eligibility determination for the June 11, 2012 application.

/s/ _____
Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: July 26, 2012

Date Mailed: July 27, 2012

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.

GFH/tb

cc:

