

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

IN THE MATTER OF:



Reg. No: 20124427

Issue No: 3002

Case No: [REDACTED]

Hearing Date:

December 1, 2011

Branch County DHS

ADMINISTRATIVE LAW JUDGE: Christopher S. Saunders

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on December 1, 2011. The claimant personally appeared and provided testimony.

ISSUES

Whether the department properly determined the amount of the claimant's Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

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

1. The claimant was a recipient of FAIP benefits at all time pertinent to this hearing.
2. On July 29, 2011, the claimant sent an email to her department case worker informing her that her job had ended on July 21, 2011. (Department Exhibit 1).
3. The claimant's last physical day of work was on July 19, 2011. (Department Exhibit 1).
4. Based upon the claimant no longer being employed, the department ran a new budget that increased the amount of the claimant's benefits effective September 1, 2011. (Department Hearing Summary).

5. The claimant filed a hearing request September 27, 2011, protesting the date of increase of her FAIP benefits.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1)

Clients have the right to contest a department decision affective eligibility for benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

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).

For purposes of determining a claimant's monthly benefits amount, policy states that countable and available income for the month being processed is to be used in determining a budget. BEM 505.

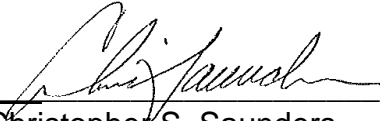
In the case at hand, the claimant reported to the department that her employment had ended as of July 29, 2011. The department representative testified that she attempted to process a supplement for the claimant's August 2011 benefits, but that she was not able to do so. At the hearing, the department representative testified that she believed that the claimant was in fact entitled to the supplement that the claimant was seeking.

MCL 24.278(2) provides a disposition may be made of a contested case by stipulation or agreed settlement. In the case at hand, the department representative testified that from her perspective it was the opinion of the department that the claimant was entitled to the supplement for the month of August that she was seeking. Therefore, the parties agree that the proper action to be taken in this matter is to issue the supplement that the claimant was seeking. Because both parties agree as to what action should be taken to resolve the issue, this action may be disposed of by stipulation.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did not properly determine the amount of the claimant's FAP benefits for the month of August, 2011.

Accordingly, the department's actions are REVERSED. It is HEREBY ORDERED that the department shall recalculate the claimant's FAP benefits for the month of August 2011, and if the claimant is otherwise eligible, issue any past due supplemental benefits due and owing to the claimant.



Christopher S. Saunders
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 12/6/11

Date Mailed: 12/6/11

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request. (60 days for FAP cases).

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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail to:

Michigan Administrative hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CSS/hw

cc:

