

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:



Reg. No: 201262463
Issue No: 2000, 3002
Case No: [REDACTED]
Hearing Date: August 7, 2012
Genesee #02 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 August 7, 2012. Claimant appeared and testified. Claimant testified that she did not have a Medical Assistance (MA) issue that required a hearing. The Medical Assistance (MA) portion of this case is dismissed.

ISSUE

Did the Department of Human Services determine the proper amount of Claimant's Food Assistance Program (FAP) benefits on June 13, 2012?

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.
2. On June 13, 2012, Claimant received a Notice of Case Action (DHS-1605) which stated her Food Assistance Program (FAP) benefits were decreased beginning June 1, 2012 due to having earned income.
3. On June 29, 2012, Claimant submitted a request for hearing.
4. On July 2, 2012, Claimant reported she was no longer working. A Verification of Employment (DHS Form 38) was faxed to Claimant's employer of record.

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).

Claimant testified that she had been injured by her employer, was not working and had received her last pay check on June 1, 2012. Most of the testimony in this hearing was about getting verification from Claimant's employer. However, the Departmental action at issue in this hearing is the eligibility determination made on June 13, 2012. Claimant did not dispute that she had not reported the loss of employment until July 2, 2012. For that reason the Department was correct to include the reported income in the June 13, 2012 financial eligibility budget. All the activity after July 2, 2012 is irrelevant to the June 13, 2012 determination.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services determined the proper amount of Claimant's Food Assistance Program (FAP) benefits on June 13, 2012.

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

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

Date Signed: August 14, 2012

Date Mailed: August 14, 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 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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:

