

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201272962
Issue No: 3002
Case No: [REDACTED]
Hearing Date: October 3, 2012
Genesee #06 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 October 3, 2012. Claimant appeared and testified.

ISSUE

Did the Department of Human Services determine the proper amount of 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. Claimant was an on-going recipient of Food Assistance Program (FAP) benefits.
2. On July 16, 2012, Claimant's Food Assistance Program (FAP) financial eligibility budget was updated to correct a mistake that was discovered. Claimant's [REDACTED] amount had been entered as a monthly expense and the most recent [REDACTED] amount was entered as an annual expense. Claimant was sent a Notice of Case Action (DHS-1605) which stated her Food Assistance Program (FAP) benefits were being reduced.
3. On August 22, 2012, Claimant submitted a request for hearing.

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 response to questions during this hearing Claimant testified that: she is currently under [REDACTED]; the [REDACTED] pays all her bills; she sends \$ [REDACTED] per month to the [REDACTED]; the payment for her [REDACTED] is \$ [REDACTED] per month; and the [REDACTED] [REDACTED] are paid separately from the [REDACTED]. It is noted that during the hearing Claimant exhibited a noticeable amount of confusion about the Department's Food Assistance Program (FAP) procedures and requirements.

Property taxes were the only housing expense amount in either of Claimant's previous or corrected Food Assistance Program (FAP) financial eligibility budgets. The evidence in this record does not establish that the Department determined the proper amount of Claimant's Food Assistance Program (FAP) benefits.

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 determine the proper amount of Claimant's Food Assistance Program (FAP) benefit.

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

It is further ORDERED that the Department obtain all relevant and necessary income and expense information for Claimant to include her [REDACTED] [REDACTED] [REDACTED] and re-determine Claimant's Food Assistance Program (FAP) eligibility.

/s/

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

Date Signed: October 10, 2012

Date Mailed: October 10, 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:

