

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2012-74043
Issue No: 3002, 3003

[REDACTED]

ADMINISTRATIVE LAW JUDGE: Suzanne L. Morris

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 [REDACTED]. The claimant appeared and provided testimony. The department witness was [REDACTED].

ISSUES

Did the department properly budget the claimant's Food Assistance Program (FAP) benefits beginning [REDACTED]?

FINDINGS OF FACT

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

1. On [REDACTED], the claimant submitted a Change Report (DHS-2240) reporting her loss of employment and copies of her last paycheck stubs.
2. On [REDACTED], the claimant called the department to inquire if they had received the change report reflecting the income change.
3. On [REDACTED], the department mailed the claimant a Verification of Employment form (DHS-38) to have her former employer complete. The claimant returned the completed form to the department on [REDACTED], [REDACTED].
4. The increase in FAP benefits affected the [REDACTED] FAP issuance.

5. The [REDACTED] FAP benefits also appear to include self-employment income from CDC provider income and child support income that the claimant has not received in over 90 days.
6. The claimant submitted a hearing request on [REDACTED].

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 Bridges Reference Manual (RFT).

MCL 24.278(2) provides a disposition may be made of a contested case by stipulation or agreed settlement. In this case, the department representative agreed that the claimant's loss of income should have been budgeted beginning [REDACTED] that it appears that the budgeting of the claimant's FAP benefits from [REDACTED] forward appears in error. The claimant reported her loss of income on [REDACTED]. The department did not mail the claimant a Verification of Employment form until August [REDACTED] which the claimant returned by [REDACTED]. It was not the claimant's fault that she was not mailed the Verification of Employment in the required amount of time. Therefore, the claimant's FAP benefits should have been affected for the [REDACTED] issuance. The claimant is due a supplement to reflect the loss of her income.

Second, the claimant testified that she hasn't worked as a daycare provider since [REDACTED] and the department representative testified that the latest pay warrant she found was indeed, [REDACTED]. This appears to still be budgeted into the claimant's budget as self-employment income. Further, the claimant also testified that she hasn't received child support in about one year. This appears to be being budgeted into the claimant's budget as unearned income. However, if both of these have not been received in the last 90 days, they should be removed from the budget. Thus, it appears that the claimant's FAP budget, beginning [REDACTED] is inaccurate and must be recomputed.

The claimant and department agreed that this resolved the issue.

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 budget the claimant's Food Assistance Program (FAP) benefits beginning [REDACTED].

Accordingly, the department's actions are **REVERSED**. The department shall re-budget the claimant's FAP benefits for [REDACTED] and issue a supplement and re-budget the claimant's ongoing FAP benefits from [REDACTED] as agreed upon in the hearing. It is SO ORDERED.

/s/ _____
Suzanne L. Morris
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: [REDACTED]

Date Mailed: [REDACTED]

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.

SLM/jk

cc: [REDACTED]
[REDACTED]
[REDACTED]
MAHS