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

IN THE MATTER OF:



Reg. No.: 201320743 Issue No.: 3002

Case No.:

Hearing Date:

County DHS:

February 5, 2013 Macomb (20)

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on February 5, 2013, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant and Interpreter, Anwar Shayotha. Participants on behalf of Department of Human Services (Department) included Eligibility Specialist (ES),

ISSUE

Did the Department properly reduce the Claimant's monthly Food Assistance Program (FAP) allotment?

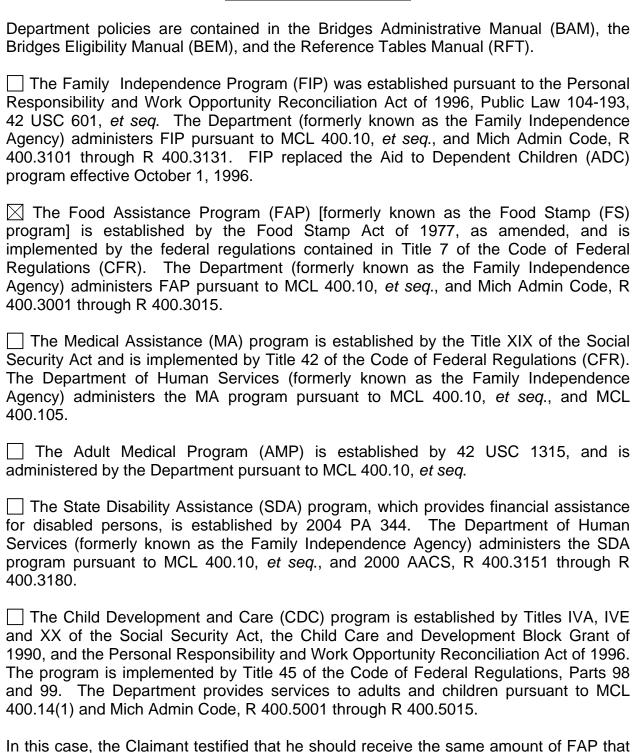
FINDINGS OF FACT

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

- 1. The Claimant was an on-going recipient of monthly FAP benefits in the amount of \$\\$
- 2. In December of 2012, the Department became aware of Claimant's countable, unearned income increasing by \$ and computed a budget with the slightly higher income.
- 3. On December 8, 2012, the Claimant was notified that his monthly FAP allotment would decrease to \$ for the benefit period of January 1, 2013, to December 31, 2013.

4. On January 3, 2013, the Department received the Claimant's written hearing request protesting the reduction in his monthly FAP benefits.

CONCLUSIONS OF LAW



his neighbors do. He needs the entire \$ per month. The Claimant was directed

to the figures in the FAP budget and did not dispute their accuracy. As such, the Department is found to have acted according to its policy when taking action to reduce the Claimant's monthly FAP allotment.

DECISION AND ORDER

| The Adr | ninist | trativ | /e La | aw Judge | e, based | d up | on t | he abov | e Find | lings | of F | act and (| Conc | lusi | ons |
|----------|--------|--------|-------|-----------|----------|-------|-------|----------|--------|-------|------|-----------|------|------|-----|
| of Law, | and | for | the | reasons | stated | on | the | record, | finds | that | the | Departm | ent | did | act |
| properly | whe | n ta | king | action to | reduce | e the | e Cla | aimant's | month | nly F | 4Р а | llotment. | | | |

| Accordingly, the Department's AMP is AFFIRMED REVERSED for the | ☐ FIP ☑ FAP ☐ MA ☐ SDA ☐ CDC decision reasons stated on the record. |
|---|---|
| | <u>/s/</u> |
| | Susanne E. Harris |
| | Administrative Law Judge |
| | for Maura Corrigan, Director |
| | Department of Human Services |

Date Signed: <u>February 26, 2013</u> Date Mailed: <u>February 26, 2013</u>

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 <u>MAY</u> be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration <u>MAY</u> 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 at

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

SEH/kl

