

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201317300
Issue No: 3002
Case No: [REDACTED]
Hearing Date: January 22, 2013
Berrien 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 January 22, 2013. The claimant personally appeared and provided testimony.

ISSUES

Whether the department properly reduced 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 FAP benefits.
2. On December 8, 2012, the department sent the claimant a notice of case action stating that his FAP benefits were being reduced due to excess income.
3. On December 17, 2012, the claimant filed a request for hearing, protesting the reduction of his FAP 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 Bridges Reference Manual (BRM).

In the case at hand, the department representative testified that it appeared that the department had not used the correct amount for a medical deduction for the claimant. The department representative testified that the department would allow the claimant to submit verification showing the correct amount, re-determine the claimant's FAP budget, and if applicable, issue any past due benefits due and owing that the claimant may otherwise be eligible to receive. The claimant agreed that this was the proper course of action to take.

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 the department would allow the claimant to submit verification showing the correct amount of medical expenses, re-determine the claimant's FAP budget, and if applicable, issue any past due benefits due and owing that the claimant may otherwise be eligible to receive. The claimant agreed with this course of action. Therefore, the parties agree as to what the proper course of action to be taken in this matter should be. 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 improperly determined the amount of the claimant's FAP benefits.

Accordingly, the department's actions are **REVERSED**.

It is HEREBY ORDERED that the department shall allow the claimant to submit verification showing the correct amount of medical expenses, re-determine the claimant's FAP budget as of the date of negative action (January 1, 2013), and if applicable, issue any past due benefits due and owing that the claimant may otherwise be eligible to receive

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

Date Signed: January 23, 2013

Date Mailed: January 23, 2013

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.

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