

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201324489
Issue No.: 3002
Case No.: [REDACTED]
Hearing Date: February 14, 2013
County: Macomb County DHS #36

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 February 14, 2013. Claimant appeared and testified. The Department was represented by [REDACTED] who was not the case worker during the actions at issue.

ISSUE

Did the Department of Human Services determine the proper amount of Claimant's Food Assistance Program (FAP) benefits on December 18, 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 December 18, 2012, the Department ran a Food Assistance Program (FAP) financial eligibility budget for Claimant's eligibility. Claimant was sent a Notice of Case Action (DHS-1605) which stated he was approved for \$ [REDACTED] of Food Assistance Program (FAP) benefits from October 1, 2012 to January 31, 2013 and that his Food Assistance Program (FAP) benefits were decreased to \$ [REDACTED] for "02/01/2013 – 01/31/2013".
- (3) On January 2, 2013, 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).

During review of the Department's December 18, 2012 Food Assistance Program (FAP) financial eligibility budget, an unexplained excess of unearned income was discovered. Because there is no evidence in the record to validate the unearned income used in the Department's December 18, 2012 Food Assistance Program (FAP) financial eligibility budget, they must be reversed.

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) benefits on December 18, 2012.

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

It is further ORDERED that the Department: re-determine Claimant's Food Assistance Program (FAP) eligibility; issue another Notice of Case Action (DHS-1605) showing Claimant's Food Assistance Program (FAP) eligibility; and supplement any benefits Claimant was otherwise eligible for but did not receive because of the December 18, 2012 Food Assistance Program (FAP) eligibility determination.

/s/

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

Date Signed: February 15, 2013

Date Mailed: February 18, 2013

201324489/GFH

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/hj

cc:

