



STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Claimant

Reg No: 2009-15643
Issue No: 3026
Case No: 
Load No: 
Hearing Date:
April 13, 2009
Wayne County DHS, Dist 35

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

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 hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on April 13, 2009. The Claimant was present and testified. Bonita Duncan and Karen Brenner, FIM appeared on behalf of the Department.

ISSUE

Whether the Department properly closed Claimant's FAP case based upon self employment.

FINDINGS OF FACT

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

1. Claimant was a FAP recipient.
2. The Department closed Claimant's FAP case at the end of the certification period 2/28/09 for failure to return verification of self-employment earnings.

3. At the hearing, the Department agreed to re-open Claimant's FAP as of 3/1/09 and recalculate FAP benefits after Claimant provides self-employment verification within 10 days.
4. As a result of this agreement, Claimant indicated that she no longer wished to proceed with a 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 (formerly known as the Family Independence Agency) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Under Program Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The agency provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the agency receives a hearing request and continues through the day of the hearing.

In the present case, the department has agreed to reopen Claimant's FAP case and recalculate FAP benefits as of 3/1/09 after Claimant provides self-employment verification. Claimant will have ten (10) days to provide the verification. As a result of this agreement, Claimant indicated she no longer wished to proceed with the hearing. Since the Claimant and

the Department have come to an agreement it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Administrative Law Judge, based upon the findings of fact and conclusions of law, finds that the Department and Claimant have come to a settlement regarding claimant's request for a hearing. Therefore, it is ORDERED that the Claimant provide verification of self-employment within 10 days of the hearing (4/13/09), and after receiving the self-employment verification, the department shall reopen Claimant's FAP as of 3/1/09 and recalculate Claimant's FAP benefits in accordance with this settlement agreement.

/s/

Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 04/16/09

Date Mailed: 04/16/09

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.

JV/dj

cc:

[REDACTED]