

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Claimant

Reg. No: 2009-23155

Issue No: 3023

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

September 9, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Linda Steadley Schwarb

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 September 9, 2009. Claimant appeared for the hearing. Claimant was represented by [REDACTED]

ISSUE

Did the Department of Human Services (DHS or department) provide claimant with the appropriate amount of 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) Claimant has been an ongoing recipient of FAP benefits in a group of one.
- (2) On May 6, 2009, claimant filed a hearing request to protest the department's failure to provide him with FAP benefits.

(3) The department did provide claimant with FAP benefits for the month of June of 2009. The department did not provide claimant with any FAP benefits in March, April, May, July, August or September of 2009.

(4) At the hearing, the parties reached an accord. The department agreed to open FAP for claimant effective March 1<sup>st</sup> of 2009 and provide lost FAP benefits for the months of March, April, May, July, August, and September of 2009. The department further agreed to continue to provide FAP benefits to claimant with a review date of February 28, 2010.

(5) Claimant and his authorized representative indicated satisfaction with the department's plan of action.

#### 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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24.278 (2). In this case, the parties reached an accord. The department agreed to open FAP for claimant effective March 1, 2009 and provide lost FAP benefits for the months of March, April, May, July, August, and September of 2009. The department agreed that

claimant's FAP benefits will continue and be reviewed for ongoing eligibility on February 28, 2010. Claimant and his authorized representative indicated satisfaction with the department's plan of action.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department of Human Services shall open Food Assistance Program benefits for claimant effective March 1, 2009 and will provide claimant with lost FAP benefits for the months of March, April, May, July, August, and September of 2009. Claimant's FAP benefits will continue and be reviewed for ongoing eligibility on February 28, 2010.

/s/  
Linda Steadley Schwarb  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: 9/29/09

Date Mailed: 10/1/09

**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 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 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.

2009-23155/LSS

LSS/at

cc:

