

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.: 2009-23596
Issue No.: 3002
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
July 2, 2009
Wayne County DHS (35)

ADMINISTRATIVE LAW JUDGE: Michael Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400.9; MCL 400.37 upon claimant's request for a hearing. After due notice a telephone hearing was held on July 2, 2009 and claimant was not represented.

ISSUE

Did the Department properly close claimant's Food Assistance Program ("FAP") benefits upon recalculation of the budget in May 2009?

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 a recipient FAP benefits in a household of 3 persons based upon an April 20, 2009 application.
2. In May 2009 the Department received an AFF report indicating an increase in unemployment benefits. (Exhibit 1)

3. Upon receipt of the AFF report, the Department recalculated Claimant's budget resulting in a new monthly benefit grant of \$4. (Exhibit 4)
4. Department closed Claimant's FAP benefits because the new FAP grant amount was under \$10.00.
5. On May 13, 2009 Claimant requested a hearing contesting the closure.
6. Claimant testified that the figures and expenses in the budget were not accurate.
7. At the hearing the department agreed to accept documentation showing FAP budget expenses and retroactively adjust FAP benefits to April 20, 2009, if applicable.
8. As a result of this agreement claimant, indicated that he no longer wished to proceed with the hearing.

CONCLUSIONS OF LAW

The Food Assistance Program, 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"), formally known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental 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 claimant is contesting the closure of his FAP benefits. At the hearing the department agreed to accept documentation showing FAP budget expenses and retroactively adjust the FAP budget to April 20, 2009, if applicable. As a result of this agreement, claimant indicated he 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 above findings of fact and conclusions of law, decides that the department and claimant have come to a settlement regarding claimant's request for a hearing. Therefore it is ORDERED that the department accept documentation showing FAP budget expenses and retroactively adjust FAP benefits to April 20, 2009, if applicable, in accordance with this settlement agreement.

/s/

Michael J. Bennane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 08/11/09

Date Mailed: 08/12/09

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.

2009-23596/MJB

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.

MJB/jlg

cc:

