

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.: 2009-29472
Issue No.: 3008
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
August 17, 2009
Wayne County DHS (15)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 August 17, 2009. The Claimant appeared and testified. [REDACTED] FIM and [REDACTED] FIS appeared on behalf of the Department.

ISSUE

Did the Department properly close claimant's FAP benefits due to claimant's failure to return income verification pursuant to a semi-annual review?

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 sent a semi-annual contact report requesting income verification pursuant to a semi-annual review for his FAP benefits on April 2, 2009. This report was due May 1, 2009. (Exhibit 1, p.3)

- (2) A notice of closure was sent to claimant on May 10, 2009 informing him of the potential closure.
- (3) On May 31, 2009 claimant's case was closed. Claimant requested hearing on June 16, 2009 alleging that he attempted to provide the information for the verification to the Department. (Exhibit 1, p.2)
- (4) At the hearing in this matter the parties reached a settlement. The department has agreed to reinstate FAP benefits retroactive to the date of closure May 31, 2009. Claimant is to provide verification of his income and the Department is to re-budget FAP. As a result of this agreement, claimant indicated he no longer wished to proceed with the appeal.

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, the department has agreed to reinstate FAP benefits retroactive to the date of closure May 31, 2009. Claimant is to provide verification of his income and the Department is to re-budget FAP. 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 Department and claimant have come to a settlement regarding claimant's request for a hearing. Therefore it is ORDERED that the Department reinstate claimant's FAP benefits retroactive to the date of closure May 31, 2009 in accordance with this settlement agreement. Mr. Davis shall provide verification of his income and the department will re-budget his FAP benefits.

/s/
Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 08/19/09

Date Mailed: 08/20/09

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.

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