

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: 2009-16577
Issue No: 3000
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 7, 2009
Wayne County DHS

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 hearing was conducted in Detroit, Michigan on May 7, 2009. The Claimant was present and testified along with her husband, [REDACTED]. Claimant was represented by [REDACTED] of [REDACTED]. [REDACTED]. Karen Brenner, FIM and Verneta Tardy, ES appeared on behalf of the Department.

ISSUE

Whether the Department properly delayed action on Claimant's FAP & MA case beyond the standard of promptness based on Claimant's lack of providing verification?

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 applied for FAP and MA benefits on 12/30/08.
2. The Department was waiting for verification from Claimant and delayed action on the case beyond the standard of promptness.

3. At the hearing, the Department agreed that it has enough information to open the MA and to process Claimant's FAP benefits forward.
4. Claimant agreed to provide verification within 10 days from her employer, [REDACTED] that employment was terminated and from her current employer, [REDACTED] regarding Claimant's current hours.
5. As a result of this agreement, Claimant indicated that she no longer wished to proceed with the hearing decision.

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 process the Claimant's FAP case and calculate benefits forward. Claimant agreed to provide verification within 10 days from her employer, [REDACTED] that employment was terminated and from her current employer, [REDACTED]

regarding Claimant's current hours. If Claimant is unable to provide additional verification, the Department will process the FAP with the current information. Furthermore, the Department agreed to open the MA case as of the date of application. As a result of this agreement, Claimant indicated she no longer wished to proceed with the hearing and decision. 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 submit verification within 10 days from her employer, [REDACTED] that employment was terminated and from her current employer, [REDACTED] regarding Claimant's current hours. The Department shall use this new verification information from Claimant's employers to calculate FAP benefits. If, however, Claimant is unable to provide said verification, the Department shall calculate benefits based on the information currently in the Claimant's file.

It is further ORDERED that the Department shall process Claimant's FAP case forward as of the date of the hearing 5/7/09, and the Department shall open Claimant's MA case as of the date of application, 12/30/08 and supplement the Claimant for any lost benefits she was otherwise entitled to receive.

/s/

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

Date Signed: 05/15/09

Date Mailed: 05/19/09

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:

