

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: 2009-33083

Issue No: 3000

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 15, 2008

Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 October 15, 2009. Claimant appeared and testified. Vivienne Shaw, ES, appeared on behalf of the department.

ISSUE

Did the Department properly determine ongoing eligibility for 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 was an ongoing recipient of FAP benefits.
2. On August 4, 2009, the department issued a notice that claimant's FAP monthly allotment would decrease effective September 2009.

3. Claimant had obligations for shelter, heat, and utilities.

4. Claimant filed hearing requests on August 10, 2009 and September 8, 2009, contesting the FAP determination.

5. At the hearing, the Department agreed claimant was not receiving the correct monthly FAP allotment and further agreed to re-determine claimant's eligibility retroactive to September 2009.

6. 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 Bridges Administrative Manual ('BAM'), the Bridges Eligibility Manual ('BEM'), and the Program Reference Manuals.

Under Bridges 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 filed a hearing request contesting the department's FAP determination. At the hearing, the department agreed the claimant was not receiving the correct monthly FAP allotment and further agreed to re-determine claimant's FAP eligibility retroactive to September 2009. 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 re-determine claimant's eligibility retroactive to September 2009, awarding benefits to claimant, if appropriate, in accordance with this settlement agreement.

/s/ _____
Colleen Lack
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 20, 2009

Date Mailed: October 21, 2009

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.

CL/cv

cc:

