

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.: 201013381

Issue No.: 1000, 3000

Case No.:

[REDACTED]

Load No.:

Hearing Date:

May 5, 2010

Macomb 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 telephone hearing was conducted from Detroit, Michigan on May 5, 2010. The Claimant was present and testified.

[REDACTED] ES appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant Family Independence Program ("FIP") and Food Assistance Program ("FAP") benefits effective 11/23/09?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material and substantial evidence on the whole record, finds as material fact:

1. On 10/21/09, Claimant applied for FIP, FAP and MA benefits as a refugee.

2. On 11/2/09, the Department sent Claimant a verification checklist with an appointment date and due date of 11/16/09.
3. Claimant appeared at the appointment on 11/16/09 and the verification due date was extended to 11/19/09.
4. The Department acknowledged that Claimant submitted the verifications on 11/17/09.
5. However, the Department closed Claimant's FIP and FAP case on 11/23/09 due to failure to bring in verifications.
6. At the hearing, the Department agreed to reopen and reprocess the application for FIP and FAP benefits as of the date of closure paying any benefits due retroactive to the date of application.
7. As a result of this agreement, Claimant indicated that she no longer wished to proceed with the full hearing.

CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human Services (formerly known as the Family Independence Agency) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables (RFT).

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.

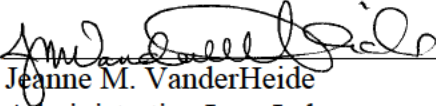
In the present case the Department has agreed to reopen and reprocess Claimant's FIP and FAP case as of the date of closure and supplement Claimant with any lost benefits that she was otherwise eligible to receive in accordance with department policy retroactive to the date of application, 10/21/09. As a result of this agreement, Claimant indicated she 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 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

1. The Department shall reopen and reprocess Claimant's FIP and FAP benefits as of the date of closure, 11/23/09.
2. The Department shall delete any negative action associate with the 11/23/09 closure of the FIP and/or FAP cases.

3. Upon determining program eligibility, the Department shall supplement Claimant with any benefits that she was otherwise entitled to receive retroactive to the date of application, 10/21/09.

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

Date Signed: May 13, 2010

Date Mailed: May 13, 2010

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 mailing 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/hw

cc:

