

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],

Reg No: 2010-16600
Issue: 3019
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 15, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 in Detroit on March 15, 2010. The Claimant appeared and testified. Vanessa McCoy, FIM and Joyce Matlock, FIM worker appeared on behalf of the Department.

ISSUE

Was the Department correct in closing Claimant's FAP benefits because the necessary verifications requested by the Department were not received?

FINDINGS OF FACT

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

- (1) The Claimant was sent a request for verifications.
- (2) The Claimant received notice that his FAP benefit would be closed effective February 1, 2010 for failure to provide the required verifications.

- (3) Claimant requested a hearing on January 13, 2010 contesting the closure of benefits.
- (4) The parties reached an agreement, whereby, the Department agreed to reinstate the Claimant's FAP benefits back to the date of closure, February 1, 2010 and if necessary, the Department agreed to issue a supplement.

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 Manual ("PRM").

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.

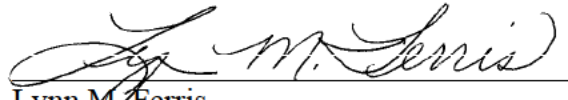
In the present case, the parties reached an agreement, whereby, the Department agreed to reinstate the Claimant's FAP benefits back to the date of closure. Since the Claimant and the Department have come to an agreement, it is unnecessary for this Administrative Law Judge to make a decision regarding 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 the Claimant's FAP benefits back to February 1, 2010, the date of closure.

The Department is ORDERED to issue a supplement for the Claimant's FAP benefits, if necessary, to fulfill the terms of this Settlement and Order.



Lynn M. Ferris
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 03/24/10

Date Mailed: 03/26/10

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.

LMF/dj

cc:

