

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: 2010-1910

Issue No: 3008

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

November 18, 2009

Kent County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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, an in-person hearing was held on Wednesday, November 18, 2009. The claimant personally appeared and testified on his own behalf.

ISSUE

Did the department properly deny the claimant's Food Assistance Program (FAP) application based upon the fact that the claimant did not provide the required verification to determine eligibility?

FINDINGS OF FACT

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

(1) On March 16, 2009, the claimant applied for Food Assistance Program benefits.

(Department Exhibit A)

(2) On March 18, 2009, a Verification Checklist was sent requesting additional information to determine FAP eligibility with a due date of March 30, 2009. (Department Exhibit B)

(3) On August 14, 2009, the department received a hearing request from the claimant, contesting the department's negative action.

(4) On August 26, 2009, the claimant reapplied for FAP benefits.

(5) On September 15, 2009, the claimant was approved for FAP benefits.

(6) The parties have reached an agreed upon settlement to resolve the dispute. The department agrees to reprocess the claimant's March 16, 2009 application for FAP benefits and determine his eligibility for FAP for March 2009 to August 2009.

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 (DHS or department) 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).

In the present case, the parties have reached an agreed upon settlement to resolve the dispute. The department agrees to reprocess the claimant's March 16, 2009 application for FAP

benefits and determine his eligibility for FAP for March 2009 to August 2009. If the claimant does not agree with the determination, he may file another request for a hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the parties have reached an agreed upon settlement to resolve the dispute.

The department is ORDERED to reinstate and reprocess the claimant's March 16, 2009 application to determine FAP eligibility for March 2009 to August 2009, if it has not already done so.

/s/
Carmen G. Fahie
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 30, 2009

Date Mailed: November 30, 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.

CGF/vmc

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