

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████

Claimant

Reg. No.: 2010-20487

Issue No.: 6000

Case No.: ██████████

Load No.: ██████████

Hearing Date:

March 22, 2010

Wayne County DHS (35)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 conducted from Detroit, Michigan on March 22, 2010. The Claimant appeared and testified. On behalf of Department of Human Services (DHS), ██████████, Specialist, appeared and testified.

ISSUE

Whether Claimant is entitled to a hearing based on DHS actions affecting Claimant's Family Independence Program (FIP) benefits taken after Claimant's hearing request was submitted 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 FAP recipient.
2. DHS sent Claimant notice of a closure of Claimant's FAP benefits.

3. DHS stopped the closure and Claimant's FAP benefits were not adversely affected.
4. Claimant submitted a hearing request on 1/21/10 regarding the notice of FAP closure.
5. After Claimant's 1/21/10 request, DHS took action on Claimant's FIP benefits.

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 Reference Tables ("RFT").

Claimant's testimony indicated that she is satisfied with the status of her FAP benefits. Claimant indicated that her FAP case is active and she expressed no dissatisfaction to any FAP benefits that she did or did not receive. Under BAM 600, a hearing request may be dismissed when DHS corrects the disputed case action.

Claimant expressed dissatisfaction at actions taken by DHS on her FIP benefits. The actions taken by DHS on Claimant's FIP benefits occurred after Claimant submitted her 1/21/10 hearing request. Issues appropriate for consideration by the undersigned include DHS actions taken prior to the hearing request, not actions that occur after the hearing request. Claimant's dissatisfaction with her FIP benefits may be subject to an administrative hearing but would require Claimant to submit a new hearing request.

Because Claimant does not object to any DHS actions taken prior to her original hearing request, Claimant's 1/21/10 request for hearing is dismissed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that Claimant's 1/21/10 hearing request concerning closure of her FAP benefits is DISMISSED. Claimant may submit a new hearing request for actions taken by DHS occurring after Claimant's 1/21/10 hearing request.

Christian Gardocki

Christian Gardocki
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 3/29/2010

Date Mailed: 3/29/2010

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 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.

CG/jlg

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