

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: 201023970

Issue No: 3000; 5000

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

August 2, 2010

Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 August 2, 2010.

ISSUE

Did the Department properly recoup on claimant's FAP benefits?

Did the Department properly deny claimant's SER application?

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 a FAP recipient.
- (2) Claimant's FAP benefits were erroneously lowered and placed into recoupment in January, 2010.
- (3) Claimant applied for SER benefits in December 2010 and was denied for those benefits in January, 2010.

- (4) The Department has supplemented claimant's FAP case for the amount it was erroneously lowered but not for the amount that was recouped.
- (5) As of the date of the hearing, claimant has had \$345 in FAP benefits erroneously recouped.
- (6) The Department agreed to supplement the benefit amount erroneously recouped.
- (7) The Department never sent a request for respondent's SER verifications.
- (8) The Department agreed, at the hearing, to request verifications for claimant's SER application, or alternatively, to allow claimant to reapply for relocation costs and request verifications for that application.
- (9) The new SER application would apply towards claimant's relocation costs to her current address.
- (10) Claimant agreed to seek out and submit the required verifications for this SER application.
- (11) As a result of this agreement, claimant indicated that she no longer wished to proceed with the hearing.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

The State Emergency Relief (SER) program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, *et seq.*, and by final administrative rules filed with the Secretary of State on October 28, 1993. MAC R 400.7001-400.7049. Department of Human Services (DHS or Department) policies are found in the State Emergency Relief Manual (ERM).

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 Department has agreed that claimant's FAP benefit case had been incorrectly placed into recoupment. The Department agreed to issue supplemental FAP benefits in the amount that was incorrectly recouped, which appears to be \$345.

The Department agreed to request verifications from the claimant necessary to establishing an SER relocation cost case. The Department stated that this may require the filing of a new application, but the application would count towards the relocation costs of claimant's current address.

Claimant agreed to provide these verifications in the time limit allotted by policy.

As a result of the agreement, claimant agreed that she no longer wished to proceed with the hearing.

Therefore, as a result of the settlement, it is unnecessary for the Administrative Law Judge to render a decision.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department and the claimant have reached a settlement in the current case. Therefore, it is unnecessary for the Administrative Law Judge to render a decision.

The Department is ORDERED to issue supplemental FAP benefits to the claimant in the amount of the benefits that were incorrectly recouped.

The Department is FURTHER ORDERED to request any verification for claimant's SER application that is necessary to establish SER eligibility. Claimant is ORDERED to return said verification to the Department in a time limit consistent with policy. If the verifications are returned in a timely manner, the Department is ORDERED to process claimant's SER application.



Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 08/11/2010

Date Mailed: 08/11/2010

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.

RJC/dj

cc:

