

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: 2010-24596
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 26, 2010
Wayne County DHS (17)

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, Michigan on April 26, 2010. The Claimant appeared and testified. Avery Smith, FIM and April Williams, Family Case Manager appeared on behalf of the Department.

ISSUE

Was the Department correct in closing Claimant's FAP case because she could not respond to the verification check list requesting proof of employment ending within 10 days?

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 participated in a redetermination on February 8, 2010 and reported that she was no longer working.

- (2) The Claimant received notice that her FAP case was closed on February 22, 2010 for failure to provide proof that her employment ended.
- (3) After the redetermination, the Claimant was asked to verify her loss of employment.
- (4) The Claimant called her caseworker several times and left messages to advise her that her former employer was out of town and that she could not get the verification completed until he returned and could not submit same by the verification due date.
- (5) The Claimant did not receive a return call.
- (6) The Department sent a Notice of Case Action to the Claimant on February 22, 2010 advising that her FAP case would close on that date.
- (7) The Claimant did not obtain a letter from her employer until after her FAP case had already closed. The Claimant provided proof that her employment ended and the dates of employment to the Department at the hearing.
- (8) Claimant requested a hearing on February 26, 2010 contesting the closure of her FAP benefits.
- (9) At the hearing, the parties reached an agreement whereby the Department agreed to reopen the Claimant's FAP case and supplement the Claimants FAP benefits for the month of April 1, 2010. The parties agreed that the Claimant had continued to receive FAP benefits for February and March 2010.

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 Bridges Reference Manual (“BRM”).

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 Claimant’s FAP case, if not already reinstated, back to the date of closure, February 22, 2010, and supplement the Claimant’s FAP benefits for the month of April, 2010. The Claimant and the Department agreed that the Claimant had already received FAP benefits for February and March, 2010.

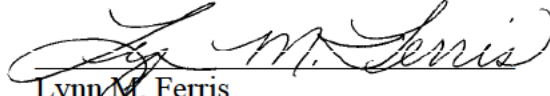
Since the Claimant and the Department have come to an agreement, it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Department and Claimant have come to a settlement regarding claimant’s request for a hearing. Therefore, it is ORDERED:

The Department shall reopen the claimant’s FAP case if it has not already been reopened back to the date of closure, February 22, 2010.

The Department shall supplement the Claimant for FAP benefits for the month of April 2010.


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

Date Signed: 05/25/10

Date Mailed: 05/26/10

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:

