

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: 2010-29480
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 2, 2010
Wayne County DHS 35

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 June 2, 2010. The Claimant appeared and testified. Angela Abernathy, FIS appeared on behalf of the Department.

ISSUE

Was the Department correct in closing Claimant's FAP benefits due to lack of verification of the adult parent in the Claimant's group.

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 a FAP recipient and applied for FIP benefits on March 1, 2010.

- (2) At the suggestion of the Claimant's caseworker, the Claimant applied for short term family assistance instead of FIP, as the Claimant was off work due to the birth of a child and planned to return to work.
- (3) The Claimant was also sent a verification checklist for the short term support application and was asked to verify the other parent in the household's citizenship and identification by March 19, 2010.
- (4) The claimant provided the birth certificate within the time period provided by the verification check list. The identification provided pursuant to the verification checklist was expired.
- (5) The claimant provided non-expired state identification on May 24, 2010.
- (6) The Claimant did receive short term family support benefits.
- (7) On March 22, 2010, after at least two reviews of her FAP on February 9, 2010 and February 19, 2010 and several increases in FAP due to the Claimant being off from work, the claimant received a Notice of Case Action that advised her that her FAP benefits would close effective May 1, 2010. Exhibit 1
- (8) After receiving the Notice of Case Action, the claimant called her worker and inquired, on March 22, 2010, as to the reason for the closure of her FAP case and no one quite understood why the closure was scheduled. The entire groups FAP benefits were closed. The Claimant's FAP did close on May 1, 2010. The Claimant was never told that it closed due to the expired identification.
- (9) The claimant is currently receiving FAP benefits beginning May 24, 2010 when she was asked to provide the identification of the other parent in the household.

- (10) The Claimant did not fail to cooperate when requested specifically by the Department.
- (11) Claimant requested a hearing on March 26, 2010 protesting the closure of her FAP case.
- (12) The parties reached an agreement, whereby, the Department agreed to reopen the Claimant's FAP case and reinstate the Claimant's FAP benefits back to the date of closure, May 1, 2010. The Department also agreed that it would issue a supplement for benefits not received by the claimant during the period the FAP case was closed, May 1, 2010 through May 23, 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.

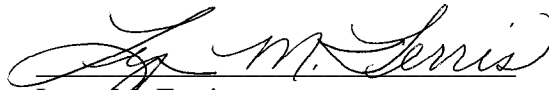
In the present case, the parties reached an agreement, whereby, the Department agreed to reinstate FAP benefits back to the date of closure, which was May 1, 2010 and to supplement the Claimant for benefits she was otherwise entitled to receive. Since the Claimant and the Department have come to an agreement, 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 and reinstate the Claimant's FAP case and benefits retroactively to cover the period May 1, 2010 through May 23, 2010.

The Department shall issue a supplement for the FAP benefits to fulfill the terms of this settlement and to provide the Claimant the FAP benefits she was otherwise entitled to receive for the period beginning May 1, 2010 through May 23, 2010.



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

Date Signed: 06/07/10

Date Mailed: 06/08/10

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.

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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:

