

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 30903
Issue No.: 3008
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: July 21, 2010
MACOMB County DHS (12)

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 on July 21, 2010. The claimant appeared and testified. [REDACTED], Assistant Payments Supervisor appeared on behalf of the Department.

ISSUE

Was the Department correct in closing the Claimant's Food Assistance (FAP) case for failure to return the Semi Annual Review information?

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 did not complete a Semi Annual review requested by Department and her Food Assistance case closed on September 30, 2009.
- (2) The Claimant re-applied for Food Assistance benefits on March 31, 2010 and has been receiving benefits since the application.
- (3) The Claimant currently has no income and had no income during the period September 30, 2009 through March 31, 2010.
- (4) The Claimant continues to live at the same address and is currently eligible for FAP.

- (5) The Claimant did not receive the Semi Annual Review sent to her by the Department.
- (6) During the pendency of the Claimant's hearing request the Claimant requested that she continue to receive FAP benefits.
- (7) The Claimant requested a hearing on November 9, 2009 which was received by the Department on December 4, 2009.
- (8) The parties reached an agreement whereby the Department agreed to reinstate the Claimant's FAP case retroactive to the date of closure, October 1, 2010, and further has agreed to supplement the Claimant's FAP benefits retroactive to that date for benefits she was otherwise entitled to receive.

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 (formerly known as the Family Independence Agency) administers the FAP program pursuant to CML 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).

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 reopen the Claimant's FAP case retroactive to October 1, 2009 and to issue the Claimant a supplement for FAP benefits retroactive to October 1, 2009 through March 31, 2010 for any FAP 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 Administrative Law Judge, based upon the above findings of fact and conclusions of law, the Department and Claimant have come to a settlement regarding claimant's request for a hearing.

Therefore it is ORDERED:

The Department is ORDERED to reinstate the Claimant's FAP case retroactive to the date of closure, October 1, 2009 and to issue a FAP supplement, if the claimant did not receive FAP benefits during the period October 1, 2009 to the date of the Claimant's new application filed March 31, 2010 for any FAP benefits the claimant was otherwise entitled to receive.



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

Date Signed: 07/22/2010

Date Mailed: 07/22/2010

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 of the rehearing decision.

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