

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.: 2010-3804
Issue No.: 3002-3003
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
January 11, 2010
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Linda Steadley Schwarb

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 January 11, 2010. The claimant appeared and testified.

ISSUE

Did the Department of Human Services (DHS or department) provide claimant with the proper Food Assistance Program (FAP) allotment?

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 is an ongoing recipient of FAP benefits in a group of one.
- 2) On September 30, 2009, claimant filed a hearing request to protest the amount of her FAP allotment.

- 3) At the hearing, the parties reached an accord. The department agreed to initiate reconsideration of claimant's FAP allotment in order to consider claimant's telephone and electricity obligation. The department further agreed that, if claimant provides the department with verification of ongoing monthly medical expenses, the department will again initiate reconsideration of claimant's FAP allotment.
- 4) Claimant indicated satisfaction with the department's plan of action.

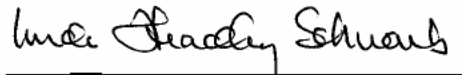
CONCLUSIONS OF LAW

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24.278(2). In this case, the parties reached an accord. The department agreed to initiate reconsideration of claimant's FAP allotment in order to consider claimant's telephone and electricity obligations. The department agreed to provide claimant with a written notice of its determination. The department further agreed that, if claimant provides the department with verification of ongoing monthly medical expenses, the department will again initiate reconsideration of claimant's FAP allotment. Claimant indicated satisfaction with the department's plan of action.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services shall initiate reconsideration of claimant's Food Assistance Program allotment in order to consider claimant's telephone and electricity obligations. The department will provide claimant with written notice of its determination. If, at a later time, claimant provides the department with verification of ongoing monthly medical expenses, the department will again initiate reconsideration of claimant's Food Assistance Program allotment.



Linda Steadley Schwarb
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: January 12, 2010

Date Mailed: January 13, 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.

LSS/pf

cc:

