

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 201041612
Issue No.: 3000
Case No.:
Load No.:
Hearing Date August 2, 2010
Wayne County DHS (18)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 August 2, 2010. The claimant appeared and testified. On behalf of Department of Human Services (DHS), , Manager, appeared and testified.

ISSUE

Whether DHS properly failed to redetermine Claimant's Food Assistance Program (FAP) and Medical Assistance (MA) benefits.

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 an ongoing FAP and MA recipient.
2. Claimant's FAP and MA benefits were scheduled to end 3/31/10.
3. Claimant timely submitted all necessary redetermination documents and verifications.
4. DHS failed to timely process Claimant's redetermination which resulted in closure of Claimant's FAP and MA benefits on 3/31/10.
5. Claimant submitted a request for hearing on 6/25/10 concerning termination of his FAP and MA benefits.

6. DHS conceded erring in failing to process Claimant's redetermination for FAP and MA benefits.

CONCLUSIONS OF LAW

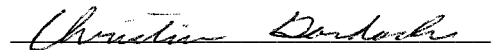
The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

MCL 24.278(2) and MSA 3.560(178)(2) provide that a contested administrative case may be disposed of by stipulation of the involved parties. Prior to the conclusion of the hearing, the parties agreed that DHS erred by failing to redetermine Claimant's FAP and MA benefits beginning 4/1/10. It was also agreed that DHS shall redetermine Claimant's FAP and MA benefits beginning with 4/1/10 using documents already submitted by Claimant. There are no other disputed issues in this matter for the undersigned to resolve.

DECISION AND ORDER

The actions taken by DHS are REVERSED. It is ordered, based on agreement of the parties, that: DHS shall redetermine Claimant's FAP and MA benefits beginning 4/1/10.

/s/


Christian Gardocki
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: August 11, 2010

Date Mailed: August 11, 2010

201041612/CG

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.

CG / hw

cc:

[REDACTED]