

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.: 2010-43072
Issue No.: 3014
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 13, 2010
SSPC - East

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 September 13, 2010. The claimant appeared and testified. [REDACTED], FIM and [REDACTED], ES appeared on behalf of the Department.

ISSUE

1. Was the claimant's FAP application properly denied because the Claimant was 20 years of age and living with her mother?
2. Did the Department properly exclude the Claimant as a group member of her mother's FAP group as an ineligible student?

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 an ongoing recipient of FAP benefits as a member of her mother's FAP group as of September 1, 2010. At that time pursuant to a semi annual review the department deemed the claimant and eligible student.
2. The claimant had applied for FAP on her own behalf by filing an online application on June 6, 2010.

3. The department denied the claimant's application because she was 20 years old and a student and was living with her mother ([REDACTED]), case # [REDACTED] who had an open FAP case.
4. The department's original denial of the claimant's FAP application was correct.
5. Subsequently the department added [REDACTED] to her mother's case effective September 1, 2010 but did not retroactively grant the FAP group retroactive benefits.
6. The claimant credibly testified that no change in circumstances had occurred between January 2010 when her mother first was granted FAP benefits and September 1, 2010 when she was finally added to her mother's FAP group.
7. The department could not specifically testify with regard to the reasons the claimant was originally found to be in an ineligible student.
8. The department closed the claimant's FAP case on June 30, 2010 for failure to return the requested verification information.
9. During the hearing the department and the claimant agreed to retroactively reinstate the claimant to her mother [REDACTED] FAP case retroactive to January 15, 2010. The department agreed to issue a FAP supplement to the claimant's mother [REDACTED] case number [REDACTED] for FAP benefit she was otherwise entitled to receive.
10. As a result of this agreement the claimant indicated that she no longer wished to proceed with the hearing.

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).

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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 Department has agreed to reinstate the claimant to her mother's FAP case retroactive to January 15, 2010 and to issue a supplement for any benefits she was otherwise entitled to receive for an additional FAP group member being included in the group.

As a result of these agreements, Claimant indicated she no longer wished to proceed with the hearing. 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, finds that the Department and Claimant have come to a settlement regarding claimant's request for a hearing and therefore it is unnecessary to issue a Decision this matter.

Accordingly, it is ORDERED:

The Department shall include the claimant [REDACTED] in her mother's [REDACTED] FAP group and shall issue a supplement retroactive to January 15, 2010 to the case for FAP benefits that group was otherwise entitled to receive based on an additional group member.



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

Date Signed: 9/15/2010

Date Mailed: 9/15/2010

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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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