

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.: 2010-46974
Issue No.: 3008
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 8, 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 September 8, 2010. The Claimant [REDACTED] and her husband, [REDACTED] appeared and testified. [REDACTED], ES appeared on behalf of the Department.

ISSUE

Was the claimant's FAP application properly denied for a failure to return verification of loss of employment?

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 and on May 12, 2010, timely reported a change in employment status. Claimant reported that her husband had changed employers and had started a new job.
2. The department requested verification of loss of employment and three months income verification from the former employer and verification of new employment.
3. The claimant's husband attempted to obtain verification of employment from his new employer but was unsuccessful because the employer refused to complete the verification forms.

4. Claimant advised the department that the new employer would not complete the verification of employment and provided the final pay stub from the prior employer.
5. The claimant was unaware that the verification of employment for loss of employment needed to be completed by claimant husband's former employer. The claimant also credibly testified that she only received two requests for verification of employment, one for herself and her current employer, and one for the claimant's husband's current employer. Neither of the verification forms contained the name of the employer. The claimant did not receive a verification of employment form for the claimant's husband's previous employer.
6. The department closed the claimant's FAP case on June 30, 2010 for failure to return the requested verification information.
7. During the hearing the department and the claimant's agreed to reinstate the FAP case retroactive to the date of closure, June 30, 2010. The claimant's agreed to provide current pay stubs for the claimant's employment and the Department was is advised that the claimant's husband was no longer working as of July 1, 2010. Because this was the same employer who refused to fill out the original request for verification the parties agreed that no further verification from that employer was necessary.
8. The claimant's husband began receiving unemployment benefits on September 1, 2010 which unemployment benefits included retroactive payments.
9. The department further agreed to recalculate the FAP budget as of July 1, 2010 using current earned income of the claimant and the unemployment benefits received by the claimant's husband and to determine FAP eligibility as a of July 1, 2010.
10. As a result of these agreements 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).

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's FAP case retroactive to July 1, 2010 and to recalculate claimant's FAP benefits based on verification that the claimant's agreed to provide and if the claimant's are eligible to receive FAP benefits the department agreed to supplement the Claimant's FAP retroactive to July 1, 2010.

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:

1. The Department shall reopen and reinstate the Claimant's FAP case retroactive to July 1, 2010 and if the claimant is deemed eligible to receive FAP benefits, the department shall retroactively supplement the Claimant's FAP benefits she was otherwise entitled to receive retroactive to July 1, 2010.

2. The claimant shall provide proof of her current pay stubs and verification of current employment and the department shall determine and verify the unemployment benefits currently being received by the claimant's husband which began September 1, 2010. The claimant's husband shall not be required to verify loss of employment from his last employer as that employer refused to complete the original verification of employment.



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

Date Signed: 9/15/2010

Date Mailed: 9/15/2010

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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