

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.: 2010-48607
Issue No.: 3022
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 15, 2010
DHS County: Macomb (20)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37 and Claimant's request for a hearing. After due notice, a telephone hearing was held on September 15, 2010. Claimant appeared and testified. [REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether Claimant is entitled to Food Assistance Program (FAP) benefits from May 1-July 14, 2010?

FINDINGS OF FACT

The Administrative Law Judge, based on competent, material, and substantial evidence in the record and on the entire record as a whole, finds as fact:

1. On or about April 26, 2010, Claimant mailed a FAP Redetermination packet, Form DHS-1010, to DHS.
2. May 1, 2010, was Claimant's deadline date for submitting the Redetermination.
3. On May 5, 2010, DHS received and time-stamped Claimant's Redetermination packet.
4. Effective May 1, 2010, DHS closed Claimant's FAP benefits case.
5. On or about July 15, 2010, Claimant filed a request for hearing with DHS.

6. On or about July 15, 2010, Claimant reapplied for FAP benefits and received them effective as of that date.
7. On September 15, 2010, at the hearing in this matter, based on Claimant's cooperation, DHS agreed to reinstate Claimant's FAP benefits for May 1-July 14, 2010.
8. As a result of this agreement, Claimant indicated he no longer wished to proceed with the hearing.

CONCLUSIONS OF LAW

FAP was established by the Food Stamp Act of 1977, as amended, and is implemented by federal regulations contained in Title 7 of the Code of Federal Regulations. DHS administers the FAP program pursuant to MCL 400.10 *et seq.*, and Michigan Administrative Code Rules 400.3001-3015. DHS policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT). These manuals can be found online at www.michigan.gov/dhs-manuals.

According to BAM Item 600, claimants have the right to contest any DHS decision affecting eligibility or benefit levels whenever they believe the decision is illegal. DHS provides an Administrative Hearing to review the decision and determine if it is appropriate. DHS policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the claimant's concerns start when DHS receives a hearing request and continues through the day of the hearing.

In the present case, DHS has agreed to reinstate Claimant's FAP benefits for May 1-July 14, 2010. As a result of this agreement, Claimant indicated he no longer wished to proceed with the hearing. Since Claimant and DHS have come to an agreement, it is unnecessary for the 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, decides that DHS and Claimant have come to a settlement regarding Claimant's request for a hearing. Therefore, it is ORDERED that DHS shall REINSTATE Claimant's FAP benefits from May1-July 14, 2010, in accordance with this settlement agreement.



Jan Leventer
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 16, 2010

Date Mailed: September 16, 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 date of the rehearing decision.

LV/pf

cc:

