

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: 2010-6931
Issue No: 3000
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 7, 2010
Macomb County DHS (12)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 January 7, 2010. The claimant appeared and testified along with his authorized representative, [REDACTED], [REDACTED] and [REDACTED] appeared on behalf of the department.

ISSUE

Is the department correct in closing claimant's FAP benefits for failing to provide verifications for a semi annual review?

FINDINGS OF FACT

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

- (1) Claimant was a FAP recipient.
- (2) Claimant was sent a semi-annual contact reports.

- (3) Notice of Potential Food Assistance Closure was sent to claimant on September 22, 2009, because the department did not receive the report.
- (4) Claimant's authorized representative called the department on September 29, 2009, October 14, 22, and 28, 2009, in an attempt to obtain a new semi-annual contact report that claimant did not receive.
- (5) Claimant's benefits closed on September 30, 2009.
- (6) Claimant requested hearing on November 4, 2009, contesting the closure of FAP benefits.
- (7) The parties reached a settlement and agreed that the FAP would be reinstated back to the date of closure 9/30/2009.

CONCLUSIONS OF LAW

The Food Assistance Program, 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"), formally known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Program Administrative Manual ("PAM"), the Program Eligibility Manual ("PEM"), and the Program Reference Manual ("PRM").

Under Program 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 parties reached an agreement. 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 department and claimant have come to a settlement regarding claimant's request for a hearing. Therefore it is ORDERED that the Department reinstate claimant's FAP benefits back to September 30, 2009, in accordance with this settlement agreement.



Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: January 20, 2010

Date Mailed: January 21, 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.

2010-6931/AM

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.

AM/pf

cc:

