

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: 2010-15293
Issue No: 3019
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 24, 2010
Wayne County DHS

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 in Detroit, Michigan on March 24, 2010. The Claimant and her husband, [REDACTED] appeared and testified. Lori Williams, FIM, Arthur Foreman from the Office of Inspector General and Nora Johnson, Case Manager appeared on behalf of the Department.

ISSUE

Was the Department correct in closing Claimant's FAP benefits because an investigation by DHS determined the claimant had unreported income.

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 applied for FAP benefits on August 18, 2009 and received benefits.

- (2) The Claimant received notice that her FAP case was closed on December 4, 2009 and her FAP benefits terminated as of December 30, 2009.
- (3) It appears the Department never requested the necessary income verifications from the Claimant and no verification checklist was sent out by the Department.
- (4) Notwithstanding the lack of verification request, the Department requested an investigation by the Office of Inspector General.
- (5) At the hearing, the Department advised the Administrative Law Judge that the Department should have requested income verifications of the Claimant and none were ever requested.
- (6) Claimant requested a hearing on December 28, 2009 contesting the closure of benefits.
- (7) The parties reached an agreement whereby the Department agreed to reopen the Claimant's FAP case and reinstate the Claimant's FAP benefits back to the date of closure, December 30, 2009. The Department also agreed that it would issue a supplement for benefits not received by the claimant during the period the FAP case was closed improperly.
- (8) The Department also agreed to reinstate the Claimants case and to seek the necessary verifications of income from the Claimant. The Department further agreed that the Claimant would have 10 days to provide the verification information, unless the Claimant required additional time to provide same and requested an extension from the Department.

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 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 parties reached an agreement whereby the Department agreed to reinstate FAP benefits back to the date of closure, which was December 30, 2009. 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.

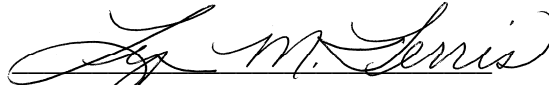
DECISION AND ORDER

The Department and Claimant have come to a settlement regarding claimant’s request for a hearing. Therefore, it is ORDERED:

The Department reopen the claimant’s FAP case and reinstate the Claimant’s FAP benefits back to December 30, 2009.

The Department is ORDERED to issue a supplement for the FAP benefits, if necessary, to fulfill the terms of this Settlement and Order.

The Department will seek the appropriate verifications from the Claimant with regard to income, and the claimant shall have 10 days to provide same unless the claimant requires additional time and requests an extension of time to supply the requested verifications.



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

Date Signed: 04/13/10

Date Mailed: 04/16/10

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.

LMF/dj

cc:

