

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.: 2010-18353
Issue No.: 3022
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
March 15, 2010
Wayne County DHS (19)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 conducted via telephone from Detroit, Michigan on March 15, 2010. The Claimant through a representative, [REDACTED], appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Manager, appeared and testified.

ISSUE

Whether DHS properly recertified Claimant's Food Assistance Program (FAP) benefits for 1/1/10?

FINDINGS OF FACT

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

1. Claimant was an ongoing recipient of FAP benefits.
2. Claimant's FAP benefits expired on 12/31/09

3. On 1/7/10, Claimant timely submitted a Hearing Request protesting the expiration of the FAP benefits.
4. DHS and Claimant agreed that Claimant may submit a redetermination document and back-date the document to 1/1/10 to allow Claimant the opportunity for uninterrupted FAP benefits.
5. DHS will request from Claimant any verification necessary for the redetermination to be processed.
6. Claimant is required to timely submit required verifications for the redetermination to be processed.

CONCLUSIONS OF LAW

MCL 24.278(2) and MSA 3.560(178)(2) provide that a contested case may be disposed of by stipulation of the involved parties to an agreed settlement. In the present case, Department of Human Services (DHS) and Claimant, through Claimant's representative, have agreed to allow Claimant to submit documents for a redetermination of Claimant's FAP benefits and back date the documents to 1/1/10 so as to allow Claimant uninterrupted FAP benefits. Claimant must cooperate in timely submitting any verification necessary for DHS to process the redetermination. Claimant retains the right to request a hearing on the above determination subject to any procedural requirements.

DECISION AND ORDER

Based on agreement of the parties, Claimant's request for hearing is DISMISSED. The dismissal is conditional and subject to actions to be taken by DHS. It is ORDERED that DHS provide Claimant with the forms necessary to process Claimant's FAP redetermination with a certification period to begin 1/1/10.

DHS shall also request any necessary documents in accordance with their policies. Claimant will have to timely submit such verifications for the redetermination to be processed.



Christian Gardocki
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 3/29/2010

Date Mailed: 3/29/2010

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.

CG/jlg

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