

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: 201018705

Issue No: 3014

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

May 12, 2010

Wayne County DHS (19)

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 hearing. After due notice, a telephone hearing was conducted in Wayne County, Michigan on May 12, 2010. The Claimant was present and testified. Phil Dew, FIM appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's application for Food Assistance Program ("FAP") with regard to curse on [REDACTED].

FINDINGS OF FACT

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

1. Claimant applied for food assistance (FAP) and Medical Assistance (MA) on May 14, 2009.

2. At the time the Claimant applied, she listed [REDACTED], her son, as a group member. The department denied benefits to the Claimant for [REDACTED] because he showed up as being included in another open case.
3. Claimant's son, [REDACTED] was claimed as a group member by his grandmother with whom he lived.
4. The Claimant, [REDACTED], and his grandmother lived together during the period in question. The Claimant's mother, [REDACTED] grandmother, died in November 2008 and was no longer included in her FAP group.
5. At the time of the filing of the FAP application, [REDACTED] lived with his mother the Claimant.
6. The Department denied the Claimant's applications for FAP, as regards [REDACTED] [REDACTED], but later included him, beginning September 1, 2009, as a proper one member of the Claimant's FAP group.
7. The Claimant currently receives \$492 per month in FAP benefits for a group of three which includes [REDACTED], her son. Prior to her son being included in the group, the Claimant received FAP benefits in the amount of \$403 per month. The difference between what the Claimant received for a group of three versus a group of two is \$89 per month which represents the difference the Claimant would have received had [REDACTED] been included in the original FAP application.
8. At the hearing, the Department agreed to reopen and reinstate the Claimant's FAP application for [REDACTED], as a group member, retroactive to May 14, 2009.

9. As a result of this agreement, Claimant indicated that she no longer wished to proceed with the remainder of 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 MCL 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 Reference Table (RFT).

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 reopen the Claimant's FAP application retroactive to May 14, 2009 and to supplement the Claimant's FAP benefits in the amount of \$267 total, \$89 a month for months of June, July, and August 2009.

As a result of this agreement, 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 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.

Accordingly, it is ORDERED:

1. The Department shall reopen and reinstate the Claimant's FAP application retroactive to May 14, 2009 with regard to [REDACTED].
2. The Department further agrees to supplement the Claimant for FAP benefits for the months of June, July, and August 2009 in the amount of \$89 per month for a total of \$267.



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

Date Signed: 06/22/10

Date Mailed: 06/23/10

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

2010-18705/LMF

cc:

