

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: 2010-2668

Issue No: 3000

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

November 18, 2009

Berrien County DHS

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on November 18, 2009.

ISSUE

Is the matter now resolved relating to claimant's FAP hearing request of 9/24/2009?

FINDINGS OF FACT

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

- (1) At all relevant times, claimant has been a FAP recipient with the Michigan DHS.
- (2) On 9/24/09, claimant filed a hearing request with regards to her FAP benefits.
- (3) The hearing summary prepared for this case does not indicate what action was taken.

(4) At the evidentiary hearing, claimant indicated that the matter was resolved but did not withdraw her hearing request. The undersigned Administrative Law Judge instructed the parties that she would issue a decision indicating that the matter has been resolved.

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 (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

MCL 24.278(2) allows for disposition to be made of a contested case hearing by agreed upon settlement or stipulation on the record.

At the evidentiary hearing in this matter, claimant indicated that the matter had been resolved. The hearing summary does not indicate the initial dispute or the reason for the initial action. The hearing summary indicates that the department took some action on 9/19/2009.

As of the date of the administrative hearing, claimant had not filed a withdrawal.

Claimant requested that the undersigned Administrative Law Judge issue a decision which indicates that this matter has been resolved.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the dispute between claimant and the department with regards to claimant's

hearing request of 9/24/09, as it pertains to her food stamps, has been resolved and thus, the department's action with regards to this FAP matter is hereby UPHeld.

/s/ _____
Janice Spodarek
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 24, 2009

Date Mailed: November 24, 2009

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.

JS/cv

cc:

[REDACTED]