

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.: 2010-30678  
Issue No.: 3000  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date:  
June 23, 2010  
Wayne County DHS (18)

ADMINISTRATIVE LAW JUDGE: Linda Steadley Schwarb

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 June 23, 2010. Claimant appeared for the hearing. Claimant was represented by [REDACTED].

ISSUE

Did the Department of Human Services (DHS or department) properly deny claimant's application for the Food Assistance Program (FAP)?

FINDINGS OF FACT

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

- 1) On March 26, 2010, claimant filed an application seeking FAP benefits.
- 2) On April 5, 2010, the department notified claimant that he was not eligible for ongoing FAP benefits due to excess income.

- 3) On April 16, 2010, claimant filed a hearing request to protest the department's determination.
- 4) At the hearing, the parties reached an accord. The department agreed to initiate reconsideration of claimant's March 26, 2010, application for FAP benefits. The department agreed to notify claimant and his authorized representative of its determination in writing.
- 5) Claimant and his authorized representative indicated satisfaction with the department's plan of action.

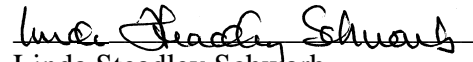
#### CONCLUSIONS OF LAW

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).

The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24.278(2). In this case, the parties reached an accord. The department agreed to initiate reconsideration of claimant's March 26, 2010, application for FAP benefits. The department agreed to notify claimant and his authorized representative of its determination in writing. Claimant and his authorized representative indicated satisfaction with the department's plan of action.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services shall initiate reconsideration of claimant's March 26, 2010, application for Food Assistance Program benefits. The department shall notify claimant and his authorized representative of its determination in writing.

  
Linda Steadley Schwarz  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: July 1, 2010

Date Mailed: July 6, 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.

LSS/pf

cc:

