

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: 2010-34420
2010-32185

Issue No: 3008

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

June 8, 2010

Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 telephone hearing was held on Tuesday, June 8, 2010. The claimant personally appeared and testified on her own behalf. This case was merged with Register # 2010-32185 because it is a second hearing request for the same issue for the same contested time period.

ISSUE

Did the department properly deny the claimant's application for Food Assistance Program (FAP) benefits because she did not provide the required verifications?

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 was a recipient of FAP benefits with a review due March 2010.

(2) Subsequently, the department caseworker noted that the claimant did not provide the required verifications by March 22, 2010. (Department Exhibit 5)

(3) On March 26, 2010, the department caseworker sent the claimant a notice that the required verifications to determine continued FAP eligibility was not received by March 22, 2010 and the claimant's FAP case would be closed effective April 6, 2010. (Department Exhibit 6-7)

(4) On April 7, 2010, the department received a hearing request from the claimant, contesting the department's negative action.

(5) During the hearing, the caseworker stated that the claimant was missing check stubs, that there is an issue with a language barrier, and that she has been trying to work with the claimant to get the required verifications to determine continued eligibility.

(6) During the hearing, the claimant stated that she put the missing information in the mailbox.

(7) The parties have reached an agreed upon settlement to resolve the dispute. The department agrees to allow the claimant to provide the required verifications by the department caseworker faxing a verification of employment to the claimant. Once the required information is received, the department is willing to recalculate the claimant's eligibility for FAP benefits.

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).

In the present case, the parties have reached an agreed upon settlement to resolve the dispute. The department agrees to allow the claimant to provide the required verifications by the department caseworker faxing a verification of employment to the claimant. Once the required information is received, the department is willing to recalculate the claimant's eligibility for FAP benefits. If the claimant does not agree with the determination, she may fill another request for a hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the parties have reached upon settlement.

The department is **ORDERED** to redetermine the claimant's eligibility for FAP benefits once the required verifications are submitted, if it has not already done so.

/s/ _____
Carmen G. Fahie
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 23, 2010

Date Mailed: June 23, 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.

CGF/vc

cc:

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