

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: 201033809
Issue No: 3000
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 3, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 3, 2010.

ISSUE

Did the Department properly deny claimant's FAP application?

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 applied for FAP on March 18, 2010.
- (2) Claimant received a notice that she had failed to attend a required interview.
- (3) Claimant's FAP case was subsequently shuttled between two different DHS branches, none of them the correct DHS branch for servicing claimant's ZIP code.
- (4) Claimant's FAP application was subsequently denied by one of the branches for failing to attend a required interview.

- (5) The Department agreed at the hearing that claimant attended this required interview.
- (6) The Department agreed that claimant's FAP application should be processed.
- (7) Wayne County DHS-Taylor District agreed to process claimant's application.
- (8) Once claimant's FAP application is fully processed, and claimant's case established, claimant's case file will be transferred by Taylor District to the correct district.
- (9) As a result of this agreement, claimant indicated that she no longer wished to proceed with 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 (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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

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 that the claimant attended all required interviews and that her FAP application of March 18, 2010 should have been processed. Due to the confusion surrounding claimant's case, it was agreed that the Taylor district would process this application and get claimant's benefit case established. Once this had been done, it was agreed that claimant's case file would be transferred to the correct district. In return, the claimant has agreed to drop her request for 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 above findings of fact and conclusions of law, decides that the Department incorrectly denied claimant's FAP application of March 18, 2010.

Accordingly, the decision in the above stated matter is, hereby, REVERSED.

The Department of Human Services, Wayne County, Taylor District is ORDERED to process claimant's FAP application of March 18, 2010, and supplement any retroactive FAP benefits for which the claimant is otherwise entitled. Once claimant's case has been established and settled, Taylor District may begin transfer proceedings to the correct district office if claimant's case is determined to be in the wrong district.



Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 06/18/10

Date Mailed: 06/18/10

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.

RJC/dj

cc:

