

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2010-46404  
Issue No.: 3023  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date: September 2, 2010  
Wayne County DHS (41)

**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 a hearing. After due notice, a telephone hearing was held on September 2, 2010. The claimant appeared and testified. [REDACTED], FIM and [REDACTED], Case Manager appeared on behalf of the Department.

**ISSUE**

Did the Department properly close the Claimant's Food Assistance case for failure to complete the redetermination?

**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 granted Food Assistance in February 2010.
2. The claimant's food assistance was terminated in March 2010 for an alleged failure to complete a semi annual review.
3. The claimant's semi annual review was not properly scheduled to be completed in March 2010 and was sent in error.
4. The Department closed the claimant's case in error.
5. The Department agreed to reinstate the claimant's food assistance case and to retroactively supplement the claimant for any FAP benefits she was otherwise entitled to receive.

6. Based upon the following agreement by the Department, the claimant no longer wished to proceed with the hearing. The parties agreed to settle their case.

### **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 CML 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 parties reached an agreement whereby the Department agreed to reopen and reinstate the claimant's FAP case retroactive to the date of closure, March 2010 and to supplement the claimant for FAP benefits she was otherwise entitled to receive from the date of closure through the date of the hearing. The Department indicated that the claimant would be required to complete a semi annual review in the month of September 2010 and agreed to provide the claimant with the necessary forms to complete the semi annual review. 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 finds that the Department and Claimant have come to a settlement regarding claimant's request for a hearing. Therefore it is ORDERED:  
The Department is ORDERED to reopen and retroactively reinstate the claimant's FAP case and to supplement the claimant for FAP benefits she was otherwise entitled to receive from the date of closure March 2010, through the date of the hearing.

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The department shall provide the claimant the necessary forms to complete the semi annual review due to be completed in the month of September 2010.



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

Date Signed: 9/3/2010

Date Mailed: 9/3/2010

**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.

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