

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

IN THE MATTER OF:



Reg. No.: 2010-49292
Issue No.: 3008
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 16, 2010
Wayne County DHS (19)

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 16, 2010. The claimant appeared and testified. [REDACTED], FIM, and [REDACTED] ES appeared on behalf of the Department.

ISSUE

Whether the Department properly closed the claimant's application for FAP benefits?

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 applied for FAP benefits on September 9, 2009. The claimant currently receives FAP benefits based on her new application which she filed in January of 2010.
- (2) The claimant's application was denied on October 1, 2009 for failure of the claimant to supply the requested verification information.
- (3) At the hearing the claimant produced a fax verification dated September 18, 2009, which she sent to the department in order to supply it with the requested verification information. The fax was sent prior to the verification due date, and provided a copy of her pay stubs.
- (4) The department apparently did not receive the fax information and denied the claimant's FAP application.

- (5) The claimant has a group of one member and at the time had a shelter obligation for rent in the amount of \$550 and provided a copy of her lease where she lived at the time of her application. at the time of her application.
- (6) At the hearing the department agreed to reopen and reinstate the claimant's original FAP application dated September 9, 2009 and to review the file to determine if it requires any additional verification of information. The department further agreed that will compute the claimant's FAP budget and determine if she is eligible for FAP benefits. If the department concludes that the claimant is eligible for FAP benefits, it agreed that she will be eligible for benefits for the period October November December 2009 and the Department will supplement the claimant for benefits she was otherwise entitled to receive during that period.
- (7) As a result of this agreement by the Department the 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 (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 initial FAP application which she filed on September 9, 2009 and to calculate the FAP budget for the claimant based on the verified income information she provided at the hearing. Once the department has finished the FAP budget and has determined that the claimant is eligible for FAP benefits the department will supplement the claimant for any FAP benefits she was

other wise entitled to receive for the months of October, November and December 2009. 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:

- (1) The Department shall reopen and reinstate the claimant's FAP application dated September 9, 2009 and shall complete a FAP budget to determine if the claimant is eligible for FAP benefit based upon the claimant's earnings and check stubs she produced at the hearing held on September 16, 2010.
- (2) If the department determines that the claimant's was eligible for FAP benefits at the time of the application of September 9, 2009, the department will supplement the claimant for any FAP benefits she was otherwise entitled to receive for the months of October, November and December 2009.
- (3) Should the Department require any additional information to be verified the claimant will submit same in order to assist the completion of the department's calculation of her FAP budget.



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

Date Signed: 9/17/2010

Date Mailed: 9/17/2010

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

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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 of the rehearing decision.

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