

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.: 2010-7678
Issue No.: 3000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
March 24, 2010
Wayne County DHS (76)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws Sections 400.9 and 400.37 and Claimant's request for a hearing. After due notice, a hearing was held on March 24, 2010. [REDACTED]

[REDACTED], Department of Human Services (DHS), appeared and testified on behalf of DHS. Claimant appeared and testified at the hearing.

ISSUE

Did DHS properly deny claimant's application for Food Assistance Program (FAP) benefits based on lack of shelter verification?

FINDINGS OF FACT

The Administrative Law Judge, based upon competent, material and substantial evidence in the record, and on the entire record as a whole, makes the following findings of fact:

1. Claimant applied for Food Assistance Program (FAP) and Medical Assistance (MA or Medicaid) benefits on October 17, 2008, and began receiving these benefits.
2. Claimant's FAP benefits were terminated on October 31, 2009 and her MA was terminated November 21, 2009, based on lack of shelter verification.
3. Claimant's benefits were reinstated in January, 2010. Claimant's MA benefits were reinstated retroactively on a continuing basis, and her FAP benefits were reinstated retroactively to December 1, 2009.
4. Claimant seeks FAP benefits for the month of November, 2009.
5. On November 9, 2009, Claimant filed a request for a hearing with DHS.
6. At the hearing, DHS agreed to reinstate Claimant's FAP benefits for November, 2009.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). DHS administers the MA program pursuant to MCL 400.10, *et seq.* and MCL 400.105. The DHS MA policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

Bridges Administrative Manual Item 600 states that clients have the right to contest any DHS decision affecting eligibility or benefit levels whenever they believe the decision is illegal. DHS provides an Administrative Hearing to review the decision and determine if it is appropriate. DHS policy includes procedures to meet the minimal requirements for a fair

hearing. Efforts to clarify and resolve the client's concerns start when DHS receives a hearing request and continues through the day of the hearing.

The Food Assistance Program (FAP), formerly known as the Food Stamp program, was established by the Food Stamp Act of 1977 and is implemented by Federal regulations found in Title 7, CFR. DHS administers FAP pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code Rules 400.3001-3015. The DHS FAP policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).


BEM Item 554 sets forth allowable expenses and expense budgeting for FAP recipients including verification requirements.

At the hearing, DHS agreed to approve Claimant's FAP benefits for November, 2009. As a result, Claimant indicated she no longer wished to proceed with the hearing. Since the Claimant and DHS have reached a settlement agreement, it is unnecessary for the Administrative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Administrative Law Judge concludes that DHS and Claimant have come to a settlement regarding Claimant's request for a hearing. Therefore, it is ORDERED that DHS

REINSTATE Claimant's FAP benefits for the month of November, 2009, in accordance with this settlement agreement.



Jan Leventer
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 7, 2010

Date Mailed: April 8, 2010

NOTICE: The law provides that within 30 days of receipt of the above Decision and Order the claimant may appeal it to the circuit court for the county in which he/she lives. Administrative Hearings, on its own motion, or on request of a party within 30 days of the receipt of this Decision and Order, may order a rehearing. Administrative Hearings will not order a rehearing on the agency's motion where the final decision or rehearing cannot be implemented within 90 days of the filing of the original hearing request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

JL/pf

cc:

