

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.: 2011-23000
Issue No.: 3000
Case No.: [REDACTED]
Hearing Date: April 7, 2011
DHS County: Macomb (50-20)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37, and Claimant [REDACTED] request for a hearing. After due notice, a telephone hearing was held on April 7, 2011. Claimant appeared and testified at the hearing. [REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether Claimant cooperated with the Redetermination review requirements of the Food Assistance Program (FAP)?

FINDINGS OF FACT

The Administrative Law Judge, based on competent, material, and substantial evidence in the record and on the entire record as a whole, finds as fact:

1. In 2010, DHS provided Claimant with FAP benefits.
2. In November 2010, DHS sent Claimant a Redetermination Application to review her eligibility for FAP. DHS scheduled a telephone Redetermination Interview with Claimant for December 1, 2010.
3. Prior to December 1, 2010, Claimant submitted all of the required documents to DHS.
4. On December 1, 2010, Claimant did not receive a phone call from DHS.
5. On December 31, 2010, Claimant's FAP benefits expired.

6. On January 14, 2011, Claimant filed a Request for Hearing with DHS.
7. On February 23, 2011, Claimant reapplied for FAP benefits, and DHS granted FAP benefits to her as of February 23, 2011.
8. At the Administrative Hearing held on April 7, 2011, DHS offered to reinstate Claimant's previous FAP benefits, conduct the Redetermination Interview after the Administrative Hearing was concluded, and provide appropriate supplemental benefits to Claimant for the period of January 1-February 22, 2011.
9. As a result of DHS' offer, Claimant indicated she no longer wished to proceed with the Administrative Hearing.

CONCLUSIONS OF LAW

FAP was established by the U.S. Food Stamp Act of 1977 and is implemented by Federal regulations contained in Title 7 of the Code of Federal Regulations. DHS administers the FAP program pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code Rules 400.3001-400.3015. DHS' policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables (RFT). These manuals are available online at www.michigan.gov/dhs-manuals.

Under BAM Item 600, 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 continue through the day of the hearing.

In this case, the parties stipulated to a settlement agreement whereby DHS will reopen Claimant's 2010 FAP case, conduct the Redetermination Interview after the Administrative Hearing is concluded, reprocess Claimant's 2010 Redetermination, and provide supplemental benefits for the period of January 1-February 22, 2011, as appropriate. As the parties have reached an agreement, it is not necessary for the Administrative Law Judge to decide the issues presented in this case.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact, the conclusions of law, and the settlement agreement of the parties, states IT IS ORDERED that DHS shall reopen Claimant's 2010 FAP benefits, conduct a Redetermination Interview, and supplement Claimant's FAP benefits as appropriate for the period of January 1-February 22, 2011. DHS shall take all steps in accordance with DHS policies and procedures.

IT IS SO ORDERED.



Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 12, 2011

Date Mailed: April 12, 2011

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.

JL/pf

cc:

