

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE CLAIM OF:

[REDACTED]

Reg. No.: 201124237
Issue No.: 3000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: April 6, 2011
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 telephone hearing was held on April 6, 2011. Claimant appeared and testified via three-way phone conference. The Department of Human Services (Department) was represented by [REDACTED]

ISSUE

Was the Department correct in its decision regarding Claimant's Food Assistance Program (FAP) group size?

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 was an ongoing FAP recipient in a group size of four.
2. The Department received information that two of Claimant's sons were living in a place other than Claimant's residence, as a son applied for SER from a different address than Claimant's current address.
3. The Department reduced Claimant's FAP group size to two and calculated Claimant's FAP grant based on that group size, effective March 1, 2011.

4. At the hearing, the Department agreed to re-determine Claimant's FAP group size and recalculate Claimant's FAP grant, effective March 1, 2011 and ongoing.
5. As a result of this agreement, Claimant indicated she no longer wished to proceed with the hearing.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) 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 administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in BAM, BEM and PRM.

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 department provides an Administrative Hearing to review the decision and determine if it is appropriate. Department policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the department receives a hearing request and continues through the day of the hearing.

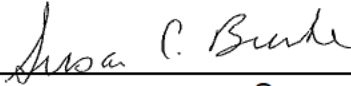
In the present case the Department agreed to re-determine Claimant's FAP group size and recalculate Claimant's FAP grant, effective March 1, 2011 and ongoing. As a result of this agreement, Claimant indicated she no longer wished to proceed with the hearing. Since the Claimant and the Department have 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 and Claimant have come to a settlement regarding Claimant's request for a hearing. Therefore, it is ORDERED that the Department re-determine Claimant's FAP group size and recalculate Claimant's FAP grant, effective March 1, 2011. It is further ORDERED that any missed or increased payments shall be

201124237/ SCB

made in the form of a supplement.



Susan C. Burke
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: May 3, 2011

Date Mailed: May 3, 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.

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cc:

