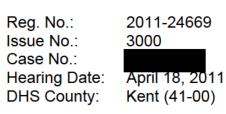STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

████████████
████████████████

Reg. No.:   2011-24669
Issue No.:   3000
Case No.:   ███████
Hearing Date: April 18, 2011
DHS County: Kent (41-00)

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 ███████████ request for a hearing. After due notice, a telephone hearing was held on April 18, 2011. Claimant appeared and testified at the hearing. ██████ and █████████ appeared as witnesses for Claimant. ████████████████████████, and ████ ██████████████████████, appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether DHS denied Claimant's Food Assistance Program (FAP) benefits in accordance with DHS policies and procedures?

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.   On January 13, 2011, DHS sent Claimant a Redetermination application requesting current income and employment information.

2.   On February 17, 2011, DHS sent Claimant a Verification Checklist.

3.   On March 1, 2011, DHS issued a Notice of Case Action denying FAP benefits to Claimant for the stated reason that Claimant failed to verify necessary information.

4.   On March 8, 2011, Claimant filed a Request for a Hearing with DHS.

5.   At the hearing on April 18, 2011, DHS offered to reopen Claimant's application, accept her income verification documentation, and process her application.

6.   As a result of DHS' offer, Claimant testified she no longer wished to continue 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 FAP 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 reinstate Claimant's FAP application, accept her income verification and determine her eligibility for FAP benefits. As the parties have reached an agreement, it is not necessary for the Administrative Law Judge to decide the issue presented in this case.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact, conclusions of law, and the settlement agreement of the parties, states IT IS ORDERED that DHS shall reopen Claimant's FAP application, accept Claimant's verification of income, and determine her eligibility. 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 21, 2011

Date Mailed: April 25, 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: