### STATE OF MICHIGAN

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

### IN THE MATTER OF THE CLAIM OF:



Reg. No.: 201125744

Issue No.: 3000

Case No.: Load No.:

Hearing Date: SSPC-East DHS April 18, 2011

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 the Claimant 's request for a hearing. After due notice, telephone hearing was held on Apr il 18, 2011. The Claimant was present and testified, via three-way telephone conference. The D epartment of Human Services (Department) was represented by FIM.

## ISSUE

Was the Department correct in clos ing Claimant's Food Ass istance Program (FAP) case?

## FINDINGS OF FACT

The Administrative Law Judge, based upon t he competent, material, and substantial evidence on the whole record, finds as material fact:

- 1. Claimant was an ongoing recipient of FAP.
- The Department closed Claimant's FAP case due to excess net income.
- Clamant requested a hearing, protesting the closure.
- 4. At the hearing, the D epartment agreed to recalculat e Claimant's FAP budget, effective February 1, 2011, taking into account shelter expenses.

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5. As a result of the agr eement, Claimant indicated that she no lon ger wished to proceed with the hearing.

## **CONCLUSIONS OF LAW**

The Food Assistance Program (FAP) is est ablished 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 Dep artment 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. Enforts 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 Depar tment has agreed to recalcul ate Claimant's FAP budget, effective February 1, 2011, taking into account shelter expenses. As a rescult 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 unnecess ary 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 conclusion sof 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 recalculate Claimant's FAP budget, effective February 1, 2011, taking into account shelter expenses, in accordance with this settlement. It is further ORDERED that any missed or increased payments will be issued in the form of a supplement.

Susan C. Burke Administrative Law Judge

For Maura Corrigan, Director Department of Human Services

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Date Signed: May 4, 2011

Date Mailed: May 4, 2011

**NOTICE**: Administrative Hearings may or der 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 Hear ings will not orde rarehearing 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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

#### SCB/hw

