

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

IN THE MATTER OF:

Issue

[REDACTED]

Case

Reg. No.: 2011-25908

No.: 3000

No.: [REDACTED]

Hearing Date: April 25, 2011

DHS County: Wayne (15)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; M SA 16.437 upon the Claimant's request for a hearing. After due notice, a telephone hearing was held on April 25, 2011. The Claimant appeared and testified.

ISSUE

Did the Department of Human Services (Department) properly close the Claimant's Food Assistance (FAP)?

FINDINGS OF FACT

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

1. On February 28, 2011, the Department closed the Claimant's FAP.
2. On March 7, 2011, the Claimant filed a request for a hearing protesting the closing of her FAP.

CONCLUSIONS OF LAW

FAP (formerly known as the Food Stamp (FS) program) 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 (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 *et seq.* and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Here, the Claimant questions the Department's closing of her FAP benefits. The Department closed the Claimant's FAP due to a lack of response to a redetermination. At the hearing, the Department was not able to produce evidence that a redetermination form had been sent to the Claimant.

DEPARTMENT POLICY

All Types of Assistance (TOA)

The Department of Human Services must periodically redetermine an individual's eligibility for active TOA. The redetermination process includes thorough review of all eligibility factors.

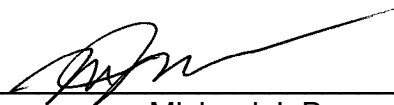
Redetermination, semi-annual and mid-certification forms are often used to redetermine eligibility of active TOA. However, the client **must** complete a DHS-1171, Assistance Application, to request a TOA that is not active at the time of redetermination.

Local offices must assist clients who need and request help to complete applications, forms and obtain verifications; see BAM 130, Obtaining Verification. BAM 210, p. 1.

The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24.278(2). In the instant case, the parties reached an accord. The Department agreed to reopen the Claimant's FAP retroactively back to April 1, 2011.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds that the Department and Claimant have come to an agreement and ORDERS the Department to reopen the Claimant's FAP retroactively back to April 1, 2011.



Michael J. Bennane
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 17, 2011

Date Mailed: June 17, 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.

MJB/cl

cc:

