

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201128423

Issue No: 3000, 3008

[REDACTED]

St. Clair County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

ORDER OF DISMISSAL

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37; upon claimant's request for a hearing filed on [REDACTED]. After due notice, a hearing was held [REDACTED]. The law, MCL 24.278(2) provides that a disposition may be made of a contested case hearing by stipulation or agreed settlement. In this case, the Department notified the Claimant that it would close his Food Assistance Program case for failure to provide information necessary to determine his eligibility to receive benefits.

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

Prior to the closure of the hearing record, the Department stipulated that it would determine the Claimant's eligibility for the Food Assistance Program using the best available information, and if no evidence is available, the Department will use its best judgment as directed by Bridges Administrative Manual Item 130. As a result of this agreement, claimant indicated she/he 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.

Claimant retains a right to request a hearing on the above determination within 90 days from the date of the department's written notice, pursuant to BAM Item 600.

Therefore, it is not necessary for the Administrative Law Judge to decide the matter that was in dispute. Pursuant to MAC R 400.906 and 400.903, claimant's hearing request is

HEREBY DISMISSED, because claimant is no longer aggrieved by a department action.

DECISION AND ORDER

The Administrative Law Judge based on the agreed upon settlement ORDERS that Claimant's hearing request is DISMISSED; and the department shall initiate a determination of the Claimant's eligibility for the Food Assistance Program (FAP) as of April 1, 2011.

_____/s/_____
Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 5/11/11

Date Mailed: 5/11/11

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 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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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