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.: 201130312
Issue No.: 2000; 3000
Case No.: [redacted]
Load No.: [redacted]
Hearing Date: May 19, 2011
Wayne County DHS (31)

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, a telephone hearing was held on May 19, 2011. The Claimant was present and testified. The Department of Human Services (Department) was represented by [redacted] FIS.

ISSUE

Was the Department correct in closing Claimant's Food Assistance Program (FAP) case?

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 recipient of FAP.

2. The Department closed Claimant's FAP case, effective May 1, 2011, due to excess income.

3. Claimant requested a hearing, protesting the closure.

4. At the hearing, the Department agreed to reinstate Claimant's FAP case, effective May 1, 2011, and re-determine Claimant's FAP benefits effective May 1, 2011 and ongoing, based on actual income. As a result of the agreement, Claimant indicated that 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 has agreed to reinstate Claimant's FAP case, effective May 1, 2011, and re-determine Claimant's FAP benefits effective May 1, 2011 and ongoing, based on actual income. 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.

It is also noted that Claimant requested a hearing regarding Medical Assistance (MA), but at the hearing, Claimant stated that she no longer requested a hearing on MA as she was receiving MA.

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 reinstate Claimant's FAP case and re-determine Claimant's FAP benefits effective May 1, 2011 and ongoing, based on actual income. It is further ORDERED that any missed or increased payments will be issued in the form of a

supplement. It is further ORDERED that Claimant's request for a hearing on MA is DISMISSED, as Claimant stated she no longer requested a hearing on MA.

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

Date Signed: May 25, 2011

Date Mailed: May 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 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.

cc: [redacted]