

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-3480
Issue No.: 1000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 29, 2010
DHS County: SSPC-East

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 [REDACTED] request for a hearing. After due notice, a three-way telephone hearing was held on November 29, 2010. Claimant appeared and testified. [REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether DHS properly processed Claimant's application for Food Assistance Program (FAP) benefits?

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 August 31, 2010, Claimant applied online for FAP benefits for a family of three with DHS.
2. On September 29, 2010, DHS issued a Notice of Case Action denying FAP benefits to Claimant.
3. On October 11, 2010, Claimant filed a notice of hearing request with DHS.
4. At the administrative hearing on November 29, 2010, DHS stated that Claimant's case was reopened, that DHS had verification of Claimant's shelter expense, and that DHS had verification of citizenship status of Claimant's wife and child.

5. At the hearing, DHS agreed that Claimant's application is complete and DHS can now process his application.
6. Based on this testimony, Claimant stated that he no longer wished to proceed with the administrative hearing.

CONCLUSIONS OF LAW

FAP was established by the U.S. Food Stamp Act of 1977 and is implemented by the Federal regulations in Title 7 of the Code of Federal Regulations. DHS administers the FAP program 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.

At the hearing, DHS testified that it has sufficient verification to reprocess Claimant's FAP application and it agreed to do so. Based on DHS' testimony, the parties to this case wish to settle the matter, and Claimant stated on the record that he does not wish to continue with the hearing.

As the parties have agreed to a resolution, it is not necessary for the Administrative Law Judge to decide the issues involved. Accordingly, the Administrative Law Judge ORDERS that DHS shall accept the verifications Claimant provided and process Claimant's FAP application in accordance with all DHS policies and procedures.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact, the conclusions of law, and the settlement agreement of the parties, states that DHS IS ORDERED to reprocess Claimant's FAP application in accordance with all DHS policies and procedures.



Jan Leventer
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 30, 2010

Date Mailed: November 30, 2010

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:

