

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

IN THE MATTER OF:



Reg. No.: 2011 46985  
Issue No.: 3004  
Case No.: [REDACTED]  
Hearing Date: September 30, 2011  
SSPC East DHS (98)

**ADMINISTRATIVE LAW JUDGE:** Lynn M. Ferris

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16409 and MCL 40037; MSA 16.437 upon the Claimants request for a hearing. After due notice, a telephone hearing was scheduled for September 1, 2011. The Claimant was present and testified [REDACTED], Assistance Payments Supervisor, and [REDACTED], ES, appeared on behalf of the Department.

**ISSUE**

Whether the Department properly denied the Claimant's Food Assistance (FAP) application because he was already active in another FAP case.

**FINDINGS OF FACT**

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

1. At the time the Claimant applied for FAP benefits he was 21 years of age.
2. The Claimant was homeless, having been kicked out of his mother's home, and applied for food assistance on his own behalf on June 22, 2011.
3. The Department denied the FAP application because the Claimant was still active on his mother's case and had not been removed by her.
4. At the hearing, the Department agreed to reopen the Claimant's FAP application to determine his eligibility. The Department further agreed to contact the Claimant's mother to verify whether the Claimant should be removed from his mother's FAP group, as he no longer lives with her. The Department also

agreed to seek further assistance, if necessary, from the Claimant's mother's case worker to determine through verification whether the Claimant has left the mother's FAP group.

5. Based upon these agreements, the Claimant stated it was unnecessary to continue with the hearing.

### **CONCLUSIONS OF LAW**

The Food Assistance Program (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 of Human Services (formerly known as the Family Independence Agency) administers the FAP program 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 Reference Table (RFT).

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 agency 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 start when the agency receives a hearing request and continues through the day of the hearing.

In this case, at the hearing the Department agreed to reopen the Claimant's FAP application and to determine the Claimant's eligibility for FAP benefits. The Department further agreed to contact the Claimant's mother to determine and verify whether he has left the mother's FAP group and if verified remove the Claimant from his mother's FAP group. If necessary, the Department also agreed to seek further assistance from the caseworker assigned to the Claimant's mother's case to verify that the Claimant no longer lives with the mother's FAP group and should be removed.

As a result of this agreement, Claimant indicated 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.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the findings of fact and conclusions of law, finds that the Department and Claimant have come to a settlement regarding Claimant's request for a hearing.

Accordingly it is ORDERED:

1. The Department shall initiate reopening of the Claimant's June 22, 2011 FAP application and determine the Claimant's eligibility for FAP benefits.
2. The Department shall initiate determining, through collateral contact with the Claimant's mother, whether the Claimant should be removed from his mother's FAP group. If verification that Claimant no longer resides with his mother is obtained, then The Department shall remove the Claimant from the mother's FAP group.
3. The Department shall, if it deems necessary, seek further assistance from the caseworker assigned to the Claimant's mother's case to verify that the Claimant no longer lives with his mother and whether he should be removed from that group.
4. If the claimant is otherwise eligible for FAP benefits, the Department shall issue a supplement to the Claimant for any FAP benefits he is otherwise entitled to receive.



Lynn M. Ferris  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: September 9, 2011

Date Mailed: September 9, 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.

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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.

LMF/hw

cc:

