

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

IN THE MATTER OF:



Reg. No: 201119093
Issue No: 3002
Case No: [REDACTED]
Hearing Date: April 12, 2011
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Janice G. Spodarek

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, an in-person hearing was held on April 12, 2011. Claimant was represented by [REDACTED]

ISSUE

Did the department and claimant's representative come to an agreed upon settlement at the administrative hearing?

FINDINGS OF FACT

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

1. At all relevant times prior to the negative action hearing, claimant was a FAP and MA recipient with the Michigan DHS.
2. Claimant's cases were reviewed in December, 2010.
3. Claimant submitted the necessary verifications.

4. The department recalculated FAP eligibility and determined that claimant's benefit decrease from [REDACTED] to [REDACTED] per month.
5. The department issued notice on December 21, 2010.
6. On January 4, 2011, claimant filled a hearing request.

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 (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Applicable policy and procedure to the issues herein are found in BAM Items 210, 220, 600; BEM Items 503, 550, 554.

MCL 24.278(2) allows for disposition to be made of a contested case herein. At the evidentiary hearing held on April 12, 2011, the parties came to an agreed upon settlement. Terms of the settlement are as follows:

The DHS agrees to recalculate claimant's eligibility for all individuals in the group herein.

The department agrees to issue a new notice for an itemization as to which amounts it calculated eligibility with regards to the unearned income.

Claimant shall retain a right to a hearing for 90 days from the date of the new notice should she dispute the calculation of the same.

DECISION AND ORDER

The Administrative Law Judge, based upon the agreed upon settlement, Orders the department to initiate the actions as set forth in the settlement as specified herein.

/S/

Janice G. Spodarek
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: April 15, 2011

Date Mailed: April 15, 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.

JGS/db

cc:

