

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

IN THE MATTER OF:



Reg No: 2011 12807
Issue No. 3008
Case No: [REDACTED]
Hearing Date:
January 27, 2011
Macomb County DHS (20)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 hearing. After due notice, a telephone hearing was conducted by the undersigned in Detroit, Michigan on January 27, 2011. The Claimant was present and testified. Elaine Cooper, FIS appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's Food Assistance Program ("FAP") application of April 29, 2010 for failure to provide verification of employment income?

FINDINGS OF FACT

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

1. The Claimant applied for FAP on April 29, 2010. The Claimant's application was denied on May 25, 2010 by Notice of Case Action for failure to provide verification information of her wages from employment. Exhibit 2.

2. The claimant provided the requested information to the Department by providing same on three separate occasions prior to the denial of her FAP application.
3. The Department did not receive the information.
4. A verification of employment was sent to the Claimant's employer and the employer responded on May 25, 2010 before the June 3, due date. Exhibit 3 and 4
5. The Claimant's case was closed before the verification of employment due date. Exhibit 2
6. The Claimant provided copies of 5 pay stubs she had previously submitted to the Department at the hearing. These 5 pay stubs are the entire income that the Claimant received during April 2010. Exhibit 1
7. At the hearing the Department agreed to reinstate the Claimant's original FAP application retroactive to April 29, 2010, and to prepare a FAP budget to determine the Claimant's eligibility for FAP as of the application date and to issue a supplement for FAP benefits, if any, the Claimant was otherwise entitled to receive.
8. Based upon this agreement, by the Department, the Claimant indicated that she no longer wished to proceed 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 the present case the Department has agreed to reinstate the Claimant's FAP application retroactive to April 29, 2010, the date of application, and to calculate the claimant's FAP budget based upon the information provided with the application and the 5 pay stubs provided by the Claimant to the Department at the hearing. Once the budget is calculated, if the claimant is deemed eligible for FAP benefits, the Department agreed to issue FAP supplements to the Claimant retroactive to the date of application for any month she was otherwise eligible to receive FAP benefits. As a result of these agreements, 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.

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 reinstate the Claimant's FAP application of April 29, 2010, and shall calculate the FAP budget based upon the information provided by the claimant in the original application and the pay stub information provided by the Claimant to the Department at the hearing.
2. The Department shall issue a supplement to the claimant for FAP benefits retroactive to the date of application for any month she was otherwise eligible to receive FAP benefits.


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

Date Signed: 02/01/11

Date Mailed: 02/03/11

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 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.

LMF/dj

cc:

