

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

IN THE MATTER OF:

[REDACTED]

Reg
Issue
Case
Hearing

No: 2011 29594

No. 3008

No: [REDACTED]

Date:

May 12, 2011

Wayne County DHS (19)

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 May 12, 2011. The Claimant was present and testified. [REDACTED] FIM and [REDACTED] ES appeared on behalf of the Department.

ISSUE

Whether the Department properly closed the Claimant's Food Assistance Program ("FAP") case as of February 1, 2011, for failure to provide the redetermination packet when due.

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 Department sent the Claimant a redetermination packet on December 14, 2010, which was due January 3, 2011. The Claimant completed the packet and returned it to the Department on December 29, 2010, before the due date. Exhibit 1

2. The original redetermination filed by the Claimant was in the hearing file and was faxed to the Department during the hearing.
3. The claimant provided the requested redetermination information to the Department in a timely manner.
4. At the hearing, the Department agreed to issue a supplement to the Claimant for FAP benefits she was entitled to receive for the period February 1, 2011 through February 14, 2011, the period during which the Claimant's FAP case was incorrectly closed.
5. 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 continue through the day of the hearing.

In the present case, the Department has agreed to issue a FAP supplement to the Claimant for FAP benefits for the period February 1, 2011 through February 14, 2011, for the period when her FAP case was closed incorrectly by the Department. The Claimant has since reapplied for FAP and has received benefits starting February 15, 2011. Based upon this agreement, the 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 issue a supplement to the claimant for FAP benefits retroactive to February 1, 2011, to the date of incorrect closure through February 14, 2011, for FAP benefits the Claimant was otherwise entitled to receive.

Administrative
For
Department


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

Date Signed: 05/19/11

Date Mailed: 05/20/11

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:

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