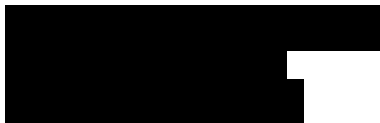


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg No: 2011 32487
Issue No. 3008
Case No: [REDACTED]
Hearing Date:
June 1, 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 June 1, 2011. The Claimant was present and testified. Patrice Jones, FIM appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's Food Assistance Program ("FAP") application of March 14, 2011, for failure to provide verification of a \$50 gift.

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 Food Assistance (FAP) on March 14, 2011. The Claimant's application was denied on April 7, 2011, for failure to provide verification of a one time gift of \$50 from his father. Exhibit 1

2. At the hearing, the Department agreed to reinstate and reprocess the Claimant's application retroactive to the date of closure, 4/1/11, and to determine the Claimant's eligibility to receive FAP benefits.
3. The Department further agreed to issue a supplement for FAP benefits the Claimant was otherwise entitled to receive in accordance with Department policy.
4. Based upon this agreement, by the Department, the Claimant indicated that he 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 and reprocess the Claimant's FAP application retroactive to April 1, 2011, the date of closure, and


determine the Claimant's eligibility to receive FAP benefits. The Department further agreed that, if it determines that the Claimant is eligible to receive ongoing FAP benefits, it will issue a FAP supplement to the Claimant for any FAP benefits the Claimant was otherwise entitled to receive. As a result of these agreements, 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 reinstate and reprocess the Claimant's FAP application of March 14, 2011, retroactive to the date of closure, April 1, 2011, and shall determine whether the Claimant is eligible to receive FAP benefits.
2. If The Department determines that the Claimant is eligible to receive ongoing FAP benefits, it shall issue a FAP supplement to the Claimant for any FAP benefits the Claimant was otherwise entitled to receive.


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

Date Signed: 06/06/11

Date Mailed: 06/07/11

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:

