

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

IN THE MATTER OF:

[REDACTED]

Reg. No. 2011-36058
Issue Nos. 1000, 3000
Case No. [REDACTED]
Hearing Date: July 5, 2011
Wayne (76)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and MCL 400.37 and Claimant's request for a hearing. After due notice, a telephone hearing was held in Detroit, Michigan on June 23, 2011. The Claimant appeared and testified at the hearing. [REDACTED], Assistance Payments Supervisor, appeared and testified for the Department of Human Services (DHS).

ISSUE

Whether Claimant is entitled to supplemental Family Independence Program (FIP) and Food Assistance Program (FAP) benefits from DHS for May, 2011?

FINDINGS OF FACT

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

1. In 2011, DHS provided Claimant with FIP and FAP benefits.
2. On [REDACTED] Claimant lost her employment. She attempted to contact DHS but was unsuccessful.
3. On April 25, 2011, Claimant notified DHS that she lost her job and requested that her benefits be recalculated to reflect the change.
4. On May 26, 2011, Claimant filed a Request for Hearing with DHS.

5. Effective June 1, 2011, DHS recalculated Claimant's benefits to reflect the change in her employment status.
6. At the Administrative Hearing on July 5, 2011, DHS agreed that Claimant's May, 2011 benefits should have been adjusted to reflect the change in her employment status, and offered to provide her with supplemental benefits in order to restore her to the benefit levels to which she was entitled.
7. After DHS made its offer at the hearing, Claimant agreed with it and accepted it, and testified she was satisfied and no longer wished to proceed with the Administrative Hearing.

CONCLUSIONS OF LAW

FIP was established by the U.S. Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601 *et seq.* DHS administers FIP pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code Rules (MACR) 400.3101-400.3131. Department policies are found in Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM) and Bridges Reference Tables (RFT). These manuals are available online at www.michigan.gov/dhs-manuals.

FAP was established by the U.S. Food Stamp Act of 1977 and is implemented by Federal regulations in Title 7 of the Code of Federal Regulations. DHS administers FAP pursuant to MCL 400.10 *et seq.* and MACR 400.3001-400.3015. Department policies are found in BAM, BEM and RFT. *Id.*

Under BAM 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.

At the hearing the parties agreed to settle and resolve the situation with the remedy that DHS will provide retroactive supplemental FIP and FAP benefits to Claimant for May, 2011 in order to restore her to the benefit levels to which she is entitled. As a result of DHS' offer to provide May, 2011 supplements, Claimant testified she was satisfied and she no longer wished to proceed with the Administrative Hearing.

As the parties have agreed to resolve this matter themselves, it is not necessary for the Administrative Law Judge to decide it. Accordingly I will enter a stipulated order which incorporates the parties' agreement.

In conclusion, based on the parties' agreement, and based also on the findings of fact and conclusions of law above, IT IS HEREBY ORDERED that DHS will provide supplemental, retroactive FIP and FAP benefits to Claimant for May, 2011, in order to restore her to the benefit levels to which she is entitled.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, states that in this case the parties have reached a stipulated agreement to resolve the case. Pursuant to the agreement of the parties, IT IS HEREBY ORDERED that DHS shall provide supplemental, retroactive FIP and FAP benefits to Claimant for May, 2011, in order to restore her to the benefit levels to which she is entitled. All steps shall be taken in accordance with DHS policy and procedure.



Jan Leventer
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: July 7, 2011

Date Mailed: July 7, 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.

JL/cl

cc:

