

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

IN THE MATTER OF:

[REDACTED]

Reg. No. 2011-37339
Issue No. 3000
Case No. [REDACTED]
Hearing Date: July 11, 2011
SSPC East(97-98)

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 400.37 and Claimant's request for a hearing. After due notice, a telephone hearing was held on July 11, 2011 in Detroit. The Claimant appeared and testified. [REDACTED] Assistance Payments Supervisor, appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether Claimant refused to cooperate with DHS in providing income verification in support of his Redetermination for Food Assistance Program (FAP) benefits?

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. On October 20, 2009, Claimant applied for FAP benefits with DHS.
2. On November 12, 2009, Claimant's wife's employer submitted an incomplete Verification of Employment, DHS Form 38, omitting the number of hours worked and current gross income amounts.
3. On December 9, 2009, DHS issued a Notice of Case Action denying Claimant's FAP application.

4. On December 17, 2009, Claimant filed a Request for a Hearing with DHS.
5. At the Administrative Hearing on July 11, 2011, DHS offered to reinstate Claimant's application and allow Claimant sufficient time to submit the necessary information.
6. In response, Claimant testified that he was satisfied with the Department's offer and he accepted it. He further testified that he no longer wished to proceed with the Administrative Hearing.

CONCLUSIONS OF LAW

FAP was established by the 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 Michigan Administrative Code Rules 400.3001-400.3015. Department policies are found in Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM) and Reference Tables (RFT). These manuals are available online at www.michigan.gov/dhs-manuals.

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.

In this case the parties stipulated to a settlement agreement whereby DHS will reopen and reprocess Claimant's FAP application, allowing him additional time to resubmit employment verification. As the parties have reached an agreement, it is not necessary for the Administrative Law Judge to decide the issues presented in this case.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact, conclusions of law, and the settlement agreement of the parties, states IT IS ORDERED that DHS shall reopen and reprocess Claimant's FAP application, allowing him additional time in which

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to resubmit verification of his wife's employment. DHS shall take all steps in accordance with DHS policies and procedures.

IT IS SO ORDERED.



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

Date Signed: July 12, 2011

Date Mailed: July 12, 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 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.

JL/cl

cc:

