

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

IN THE MATTER OF:



Reg No: 20118096
Issue No: 3000,2000,6000
Case No: [REDACTED]
Hearing Date:
January 3, 2011
Macomb County DHS-12

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 a hearing. After due notice, a telephone hearing was held on January 3, 2011. The Claimant appeared and testified. Steven Boegehold ES appeared on behalf of the Department.

ISSUE

Was the Department correct in closing Claimant's FAP, MA, and CDC benefits for failing to provide verifications?

FINDINGS OF FACT

- (1) Claimant was an ongoing recipient of Food Assistance, Medical Assistance, and Child Day Care benefits.
- (2) Claimant's Food Assistance, Medical Assistance, and Child Day Care benefits closed for failing to return employment verifications.

- (3) The case worker was not available to testify at hearing and the Department representative at hearing could not explain the actions of the Department.
- (4) Claimant credibly testified that she submitted all requested employment verifications.
- (5) Claimant requested a hearing on November 9, 2010, contesting the closure of FAP, MA, and CDC benefits.
- (6) The parties reached an agreement whereby the Department agreed to reinstate FAP, MA, and CDC benefits back to the date of closure.

CONCLUSIONS OF LAW

The Food Assistance Program, 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 ("DHS"), formally known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Program Reference Manual ("PRM").

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 parties reached an agreement whereby the Department agreed to reinstate FAP, MA, and CDC benefits back to the date of closure. 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 Department and Claimant have come to a settlement regarding Claimant's request for a hearing. Therefore, it is ORDERED that the Department reinstate FAP, MA, and CDC benefits back to the date of closure. Any increase in benefit shall be paid to Claimant in the form of a supplement.



Aaron McClintic
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 01/19/11

Date Mailed: 01/21/11

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 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.

AM/dj

cc:

