

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

IN THE MATTER OF:



Reg. No: 201227787
Issue No: 3000
Case No: [REDACTED]
Hearing Date: March 13, 2012
Wayne County DHS #41

ADMINISTRATIVE LAW JUDGE: Christopher S. Saunders

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 March 13, 2012. The claimant personally appeared and provided testimony.

ISSUES

Whether the department properly closed the claimant's Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

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

1. The claimant was a recipient of FAP benefits at all time pertinent to this hearing.
2. On December 16, 2011, a redetermination interview was conducted where the claimant requested that her cash assistance case be closed. (Department Hearing Summary).
3. The claimant's Medical Assistance (MA) and Food Assistance Program (FAP) cases were also closed in error. (Department Hearing Summary).
4. The claimant filed a request for hearing on January 19, 2012 protesting the closure of her FAP case and MA case.

CONCLUSIONS OF LAW

As a preliminary matter, prior to the closure of the hearing record, the department representative testified that the claimant's MA case had been reinstated. The claimant confirmed that this action had in fact taken place and that she was no longer aggrieved by the department's action in relation to the MA portion of her case. Accordingly, the portion of the claimant's hearing request pertaining to her MA benefits is hereby dismissed.

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1)

Clients have the right to contest a department decision affective eligibility for benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

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 (DHS or department) 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 Program Reference Manual (PRM).

In the case at hand, the department representative testified that the claimant's FAP case was closed in error and that it should be reinstated back to the date of negative action and any supplements that may be necessary issued. The claimant agreed that this course of action was appropriate.

MCL 24.278(2) provides a disposition may be made of a contested case by stipulation or agreed settlement. In the case at hand, the department representative testified that the department was willing to reinstate the claimant's benefits and issue any supplements that may be forthcoming. The claimant agreed that this was the proper course of action to be taken. Therefore, the parties agree as to what the proper course of action to be taken in this matter should be. Because both parties agree as to what action should be taken to resolve the issue, this action may be disposed of by stipulation.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did not properly close the claimant's FAP case.

Accordingly, the department's actions are **REVERSED**.

It is HEREBY ORDERED that if the claimant is found to be otherwise eligible, the department shall reinstate benefits back to the date of negative action and, if applicable, issue any past due benefits due and owing that the claimant is otherwise eligible to receive.

/s/

Christopher S. Saunders
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: March 15, 2012

Date Mailed: March 16, 2012

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.

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