

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201247262
Issue No.: 3000
Case No.: [REDACTED]
Hearing Date: May 17, 2012
County: Wayne DHS (49)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

SETTLEMENT ORDER

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on May 17, 2012, from Detroit, Michigan. Participants on behalf of Claimant included the above named claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Specialist, [REDACTED], Manager, and [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly determined Claimant's Food Assistance Program (FAP) benefit issuances from 11/2011-4/2012.

FINDINGS OF FACT

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

1. Claimant was an ongoing FAP benefit recipient.
2. On an unspecified date, DHS improperly removed one of Claimant's children from the FAP benefit determinations from 11/2011-4/2012.
3. Claimant received the following FAP benefit issuances for the following months, in part, based on an incorrect FAP benefit group composition: \$185 for 11/2011, \$332 for 12/2011, \$586 for 1/2012, \$332 for 2/2012, \$332 for 3/2012 and \$367 for 4/2012.

4. If Claimant's FAP group composition had been correct, Claimant should have received the following FAP benefit issuances: \$185 for 11/2011, \$597 for 12/2011, \$586 for 1/2012, \$586 for 2/2012, \$552 for 3/2012 and \$443 for 4/2012.
5. On 3/28/12 and 4/16/12, Claimant requested a hearing to dispute FAP benefit issuances from 11/2011-4/2012.

CONCLUSIONS OF LAW

The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24.278(2). In the present case, Claimant requested a hearing to dispute the amount of FAP benefit issuances from 11/2011-4/2012.

It was not disputed that DHS improperly calculated Claimant's FAP benefit group members in determining Claimant's FAP benefit eligibility for each of the months in dispute. Soon after commencement of the hearing, the parties testified that they had reached a settlement concerning the disputed action. Consequently, the Department proposed to give Claimant a supplement of \$815 in FAP benefits, the difference between the amount of FAP benefits which Claimant should have received from 11/2011-4/2012 and the amount that Claimant actually received from 11/2011-4/2012. Claimant agreed to the proposal. As the agreement appears to comply with DHS regulations, the settlement among the parties is accepted as a resolution for Claimant's hearing request.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact, conclusions of law and by agreement of the parties finds that DHS improperly determined Claimant's FAP benefit issuance eligibility from 11/2011-4/2012. It is ordered that DHS issue the following supplements to Claimant: \$265 for 12/2011, \$254 for 2/2012, \$220 for 3/2012 and \$76 for 4/2012. The actions taken by DHS are REVERSED.



Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 18, 2012

Date Mailed: May 18, 2012

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases).

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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail to:

Michigan Administrative hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CG / hw

cc:

