

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

IN THE MATTER OF:



Reg. No: 201253334
Issue No: 3008
Case No: [REDACTED]
Hearing Date: June 19, 2012
Washtenaw County DHS

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 June 19, 2012. The claimant personally appeared and provided testimony.

ISSUES

Whether the department properly closed the claimant's Food Assistance Program (FAP) case due to failure to cooperate with returning the requested verifications?

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.
2. On April 5, 2012, the claimant was sent a new hire client notice (DHS 4635) with a return date of April 16, 2012. (Department Exhibit 1).
3. The department did not receive the completed form as requested and as such, sent the claimant a notice of case action (DHS 1605) on May 10, 2012 stating that her FAP case would be closing as of June 1, 2012. (Department Exhibit 2).
4. The claimant filed a request for hearing on May 10, 2012, protesting the closure of her FAP case.

CONCLUSIONS OF LAW

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 Bridges Reference Manual (BRM).

In the case at hand, the claimant testified that she had previously completed the requested form (new hire client notice) regarding the same job. She further testified that she had submitted pay stubs as requested by the department. The department representative testified that he did locate pay stubs in the claimant's file for the employment in question. The department representative then testified that the department was willing to allow the claimant to submit any necessary additional information and re-determine the claimant's eligibility back to the date of negative action and issue benefits accordingly. The claimant testified that this proposed action would alleviate her need for a hearing request.

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 allow the claimant to submit any additional information and re-determine the claimant's FAP eligibility back to the date of negative action and issue benefits accordingly. The claimant agreed with this course of action. 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 the department shall allow the claimant to submit any additional information necessary and initiate a redetermination of the claimant's FAP eligibility as of the date of negative action (June 1, 2012). If the claimant is found to be otherwise eligible, the department shall issue benefits in accordance with policy 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: June 22, 2012

Date Mailed: June 22, 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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