

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201265695
Issue No.: 3000
Case No.: [REDACTED]
Hearing Date: August 22, 2012
County: Oakland DHS (03)

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 August 22, 2012, from Detroit, Michigan. Participants on included the above named claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Manager, and [REDACTED], Specialist.

ISSUE

The issue is whether DHS is required to issue Food Assistance Program (FAP) benefits to Claimant for an application which was not processed.

FINDINGS OF FACT

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

1. On 1/18/12, Claimant submitted an application for FAP benefits.
2. DHS failed to process the application dated 1/18/12.
3. On 2/3/12, Claimant submitted another FAP benefit application to DHS.
4. DHS processed Claimant's application dated 2/3/12.
5. Had DHS processed Claimant's application dated 1/18/12, Claimant would have received \$97 in FAP benefits for the period between 1/18/12-2/2/12.

6. On 7/11/12, Claimant requested a hearing to dispute the failure by DHS to issue FAP benefits for the period of 1/18/12-2/2/12.

CONCLUSIONS OF LAW


The Food Assistance Program (formerly known as the Food Stamp 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). DHS administers the FAP pursuant to Michigan Compiled Laws 400.10, *et seq.*, and Michigan Administrative Code R 400.3001-3015. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT). Updates to DHS regulations are found in the Bridges Policy Bulletin (BPB).

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 a failure by DHS to issue \$97 in FAP benefits over the period of 1/18/12-2/2/12. DHS agreed that Claimant is owed \$97 in FAP benefits. As the agreement appears to comply with DHS regulations, the settlement among the parties shall be accepted.

DHS noted that the supplement must be done outside of the local DHS office and that the persons responsible for issuing the supplement have yet to do so. It is expected that the persons responsible for processing the supplement shall do so within the timeframes for complying with administrative orders.

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 failed to issue FAP benefits to Claimant for the period of 1/18/12-2/2/12. It is ordered that DHS issue \$97 in FAP benefits to Claimant. The actions taken by DHS are REVERSED.


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

Date Signed: August 27, 2012

Date Mailed: August 27, 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.

CG / hw

cc:

