

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

IN THE MATTER OF:



Reg. No.: 201276185
Issue No.: 1000 3000
Case No.: [REDACTED]
Hearing Date: October 11, 2012
County: Wayne DHS (18)

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 October 11, 2012, from Detroit, Michigan. Participants included the above named claimant. Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Manager, and [REDACTED], JET Coordinator.

ISSUE

The issue is whether DHS properly adversely affected Claimant's eligibility for Food Assistance Program (FAP) and Family Independence Program (FIP) 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. Claimant was an ongoing FAP and FIP benefit recipient.
2. On 8/25/12, DHS reduced Claimant eligibility for FAP benefits and terminated Claimant's eligibility for FIP benefits on the basis that Claimant was not compliant with Work Participation Program (WPP) participation.
3. On 9/6/12, Claimant requested a hearing to dispute the adverse actions taken by DHS.
4. DHS conceded that the FAP and FIP benefit actions were improper.

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).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* DHS administers the FIP pursuant to MCL 400.10, *et seq.* and MAC R 400.3101-3131. DHS policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

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 reduction in FAP benefit eligibility and termination of FIP benefit eligibility. Both actions were scheduled to take effect in 10/2012. It was not disputed that DHS took the actions because Claimant was allegedly noncompliant with WPP participation. DHS conceded that Claimant failed to receive a notice to attend WPP at a time when Claimant was not deferred from participating. Soon after commencement of the hearing, the parties testified that they had reached a settlement concerning the disputed action. DHS proposed to redetermine Claimant's eligibility for FAP and FIP benefits effective 10/2012, subject to the agreement that Claimant was not noncompliant with WPP participation. Claimant accepted the DHS proposal. As the agreement appears to comply with DHS regulations, the settlement among the parties shall be accepted.

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 eligibility for FAP and FIP benefits effective 10/2012. It is ordered that DHS:

1. redetermine Claimant's FAP and FIP benefit eligibility effective 10/2012, subject to the agreement that Claimant was not noncompliant with WPP participation;
2. supplement Claimant for any benefits not received as a result of the improper adverse actions; and
3. remove any relevant disqualification from Claimant's disqualification history.

The actions taken by DHS are REVERSED.


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

Date Signed: 10/19/2012

Date Mailed: 10/19/2012

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.

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