

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201259548
Issue No.: 3000
Case No.: [REDACTED]
Hearing Date: July 19, 2012
County: Wayne DHS (19)

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 July 19, 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, and [REDACTED], Manager.

ISSUE

The issue is whether DHS properly determined Claimant's Food Assistance Program (FAP) benefit eligibility effective 12/2011.

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 timely reported a stoppage of employment income to DHS in 11/2012.
2. DHS continued to budget employment income in Claimant's FAP benefit determinations from 12/2011 and onward.
3. On 6/7/12, DHS determined that Claimant was ineligible for FAP benefit eligibility effective 7/2012 due to excess income.
4. On 6/18/12, Claimant requested a hearing to dispute the DHS action from 6/7/12.

CONCLUSIONS OF LAW

Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), the Reference Tables Manual (RFT), and the State Emergency Relief Manual (ERM).

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 (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1999 AC, Rule 400.3001 through Rule 400.3015.

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 termination of FAP benefit eligibility effective 7/2012. DHS conceded that Claimant verified a stoppage in employment income in 11/2011 and that DHS improperly continued to budget the income in FAP benefit determinations from 12/2011 to the present. Soon after commencement of the hearing, the parties testified that they had reached a settlement concerning the disputed action. Consequently, the Department agreed to recalculate Claimant's FAP benefit eligibility from 12/2011 without counting the previously budgeted employment income, which was verified as ending in 11/2011. 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 concludes that the Department and Claimant have come to a settlement regarding Claimant's request for a hearing.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING:

1. recalculate Claimant's FAP benefit eligibility beginning 12/2011 subject to the finding that Claimant verified a stoppage in employment income from her employer (Beneficial Services) in 11/2011; and
2. supplement Claimant for any FAP benefits not received as a result of the DHS error.

The actions taken by DHS are REVERSED.


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

Date Signed: July 25, 2012

Date Mailed: July 25, 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

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