

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201312384
Issue No.: 3000
Case No.: [REDACTED]
Hearing Date: January 7, 2013
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 January 7, 2013, from Detroit, Michigan. Participants included the above-named claimant. [REDACTED] appeared as Claimant's translator. Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Supervisor.

ISSUE

The issue is whether DHS properly determined Claimant's eligibility for Food Assistance Program benefit eligibility effective 10/2012.

FINDINGS OF FACT

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

1. On 10/27/12, DHS determined Claimant's FAP eligibility effective 10/2012, in part, based on a FAP benefit group which included Claimant and her adult daughter.
2. On 11/20/12, Claimant filed a hearing request to dispute the inclusion of her daughter in the FAP benefit determination.
3. DHS conceded that the FAP benefit determination should have excluded Claimant's daughter.

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 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 FAP benefit determination effective 10/2012. Specifically, Claimant disputed the inclusion of her daughter in the FAP benefit determination. 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 FAP benefit eligibility effective 10/2012 based on a FAP benefit group that excluded Claimant's adult daughter. Claimant accepted the DHS proposal. As both parties agreed to the settlement terms, it shall be accepted as a satisfactory conclusion of Claimant's hearing request.

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. redetermine Claimant's FAP benefit eligibility effective 10/2012, subject to the finding that Claimant's daughter buys and prepares food separately from Claimant; and
2. supplement Claimant for any FAP benefits not issued due to the DHS error in FAP benefit group composition.

The actions taken by DHS are REVERSED.



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

Date Signed: January 14, 2013

Date Mailed: January 14, 2013

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:

