

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201314501
Issue No.: 3000
Case No.: [REDACTED]
Hearing Date: January 7, 2013
County: Wayne DHS (57)

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. Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Manager.

ISSUE

The issue is whether DHS properly determined Claimant's Food Assistance Program (FAP) benefit eligibility effective 9/2012 based on Claimant's unemployment compensation.

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 7/27/12, DHS denied Claimant's application requesting Medical Assistance (MA) benefits.
2. On 9/24/12, Claimant received a final UC payment of \$362.
3. On an unspecified date, DHS determined Claimant's FAP benefit eligibility effective 9/2012, in part, based on Claimant receiving ongoing UC benefits.
4. On 11/20/12, Claimant requested a hearing to dispute the MA benefit denial and the failure by DHS to factor her stopped UC payments in the FAP benefit determinations starting with 9/2012.

5. Claimant conceded that the DHS denial of MA benefits was correct.
6. DHS conceded that the FAP benefit determinations starting with 9/2012 were incorrectly calculated.

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 and MA benefit decision. Claimant accepted that the MA benefit decision was correct, while DHS conceded an error was made concerning Claimant's FAP benefit eligibility since 9/2012. Soon after commencement of the hearing, the parties testified that they had reached a settlement. Consequently, DHS proposed to redetermine Claimant's FAP benefit eligibility effective 9/2012 subject to Claimant's actual UC payments of \$724 on 9/10/12, \$362 on 9/24/12 and \$0 thereafter. 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,

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING:

1. redetermine Claimant's FAP benefit eligibility effective 9/2012 subject to the finding that DHS erred in budgeting Claimant's UC income and that the correct amounts to budget are \$1086 in 9/2012 and \$0/month thereafter; and
2. supplement Claimant for any FAP benefits not issued 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: 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:

