

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

IN THE MATTER OF:



Reg. No.: 201342706
Issue No.: 3000
Case No.: [REDACTED]
Hearing Date: May 20, 2013
County: Wayne (17)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 May 20, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Family Independence Manager, and [REDACTED], Eligibility Specialist.

ISSUE

Whether the Department properly processed Claimant's case for Food Assistance Program (FAP) benefits from April 1, 2012, ongoing.

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 March 13, 2012, a hearing was held concerning the Department's decision to close Claimant's FAP case based on his citizenship/alien status.
2. On March 15, 2013, the Administrative Law Judge issued an Order of Dismissal, finding that the Department testified that it had documentation establishing that Claimant remained eligible for FAP benefits based on his citizenship/alien status, and that it would reinstate Claimant's FAP case if Claimant was otherwise eligible for FAP benefits.
3. The Department did not act on the matter until December 2012.

4. On March 13, 2013, Claimant filed a request for hearing concerning his FAP case.

CONCLUSIONS OF LAW

Department policies are found in the Department of Human Services Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), Reference Tables Manual (RFT), and 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 Mich Admin Code, R 400.3001 through R 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 the Department's action, clarifying at the hearing that his concern was his FAP benefits from April 1, 2012, ongoing, when his prior case closed based on his citizenship/alien status until he filed a new application and was approved in April 2013. At the hearing, the Department acknowledged that it had agreed at the March 13, 2012 hearing that it would reassess Claimant's eligibility for FAP benefits as of April 1, 2012, ongoing, after concluding that he was eligible for benefits based on his citizenship/alien status, but had failed to do so.

Soon after commencement of the hearing, the parties testified that they had reached a settlement concerning the disputed action. Consequently, the Department agreed to do the following: (1) reinstate Claimant's FAP case effective April 1, 2012; (2) begin recalculating Claimant's FAP eligibility and benefit amount from April 1, 2012, ongoing, requesting from Claimant any verifications required to process his eligibility; (3) issue supplements to Claimant for any FAP benefits he was eligible to receive but did not from April 1, 2012, ongoing; and (4) notify Claimant in writing of its decision; and (5) take all of its actions in accordance with Department policy.

As a result of this settlement, Claimant no longer wishes to proceed with the hearing. As such, it is unnecessary for this Administrative Law Judge to render a decision regarding the facts and issues in this case.

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. Reinstate Claimant's FAP case effective April 1, 2012;
2. Begin recalculating Claimant's FAP eligibility and benefit amount from April 1, 2012, ongoing, requesting from Claimant any verifications required to process his eligibility;
3. Issue supplements to Claimant for any FAP benefits he was eligible to receive but did not from April 1, 2012, ongoing; and
4. Notify Claimant in writing of its decision; and
5. Take all of its actions in accordance with Department policy.

M. Howe

Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 5/28/2013

Date Mailed: 5/28/2013

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.

ACE/hw

cc:

