

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

IN THE MATTER OF:

██████████
████████████████████
████████████████████

Reg. No.: 2013-48324
Issue Nos.: 3000
Case No.: ██████████
Hearing Date: June 19, 2013
County: Oakland (04)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

HEARING DECISION

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 June 19, 2013, from Detroit, Michigan. Claimant, her Authorized Hearing Representative, ██████████, and ██████████ from ██████████, appeared and testified. Participating on behalf of the Department of Human Services (Department) was ██████████ Eligibility Specialist and ██████████ Eligibility Specialist.

ISSUE

Did the Department act in accordance with Department policy when it calculated Claimant's Food Assistance Program (FAP) 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 recipient of FAP benefits.
2. Claimant was not in agreement with the calculation of her FAP benefits.
3. On May 16, 2013, Claimant filed a request for hearing disputing the Department's action.

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 was an ongoing recipient of FAP benefits and did not agree with the amount of FAP benefits she was receiving. Claimant requested a hearing disputing the calculation of her FAP benefits. Soon after commencement of the hearing, the parties testified that they had reached a settlement concerning the disputed action. At the hearing, the Department testified that there were certain errors in the calculation of Claimant's unearned income. Consequently, the Department agreed to do the following: (i) begin recalculating the FAP budget for May 1, 2013 ongoing in accordance with Department policy; (iii) begin issuing supplements to Claimant for any FAP benefits that she was eligible to receive but did not from May 1, 2013 ongoing in accordance with Department policy; and (iv) notify Claimant of its decision in writing 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, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department and Claimant have come to a settlement regarding Claimant's request for a hearing with regards to FAP.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING:

1. Begin recalculating the FAP budget for May 1, 2013 ongoing in accordance with Department policy;

2. Begin issuing supplements to Claimant for any FAP benefits that she was eligible to receive but did not from May 1, 2013 ongoing in accordance with Department policy; and
3. Notify Claimant of its decision in writing in accordance with Department policy.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 25, 2013

Date Mailed: June 25, 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.

ZB/cl

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]