

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

IN THE MATTER OF:



Reg. No.: 2013-50789
Issue No.: 3000
Case No.: [REDACTED]
Hearing Date: June 27, 2013
County: Wayne (82-55)

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 June 27, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Whether the Department properly closed Claimant's Food Assistance Program (FAP) case.

FINDINGS OF FACT

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

1. At the end of April or May 2013, the Department closed Claimant's FAP case for failure to verify requested verifications.
2. On May 16, 2013, the Department sent notice to Claimant of the closure.
3. On June 3, 2013, Claimant filed a request for hearing concerning 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 Department testified that Claimant's case was closed because Claimant had failed to respond to an April 15, 2013, Wage Match Notice. Claimant denied that she was employed by the employer identified in the Wage Match and alleged that she was the victim of identity theft. The Department testified that, based on the documentation Claimant provided showing that she was attempting to establish that she was the victim of identity theft and the employer's failure to respond by the June 10, 2013, due date to a Verification of Employment it sent the employer, the Department had agreed to reinstate Claimant's FAP case. Although the Department testified that Claimant's FAP case had closed effective May 31, 2013, Claimant testified that she did not receive benefits for May 2013. The Department did not provide a Notice of Case Action as part of its hearing packet but agreed that it would reinstate Claimant's FAP case from the date of closure.

The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24.278(2). 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 from the effective date of closure; (2) begin issuing supplements to Claimant for FAP benefits she was eligible to receive but did not from May 1, 2013, ongoing; and (3) act in accordance with Department policy in taking each of the preceding steps.

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.

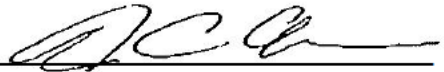
DECISION AND ORDER

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 from the effective date of closure;

2. Begin issuing supplements to Claimant for FAP benefits she was eligible to receive but did not from May 1, 2013, ongoing; and
3. Act in accordance with Department policy in taking each of the preceding steps.


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

Date Signed: July 2, 2013

Date Mailed: July 3, 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/pf

cc:

