

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2013-32054  
Issue No.: 3021  
Case No.: [REDACTED]  
Hearing Date: March 27, 2013  
County: Wexford County DHS

**ADMINISTRATIVE LAW JUDGE:** Carmen G. Fahie

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37; upon claimant's request for a hearing filed on February 22, 2013. After due notice, a hearing was held Wednesday, March 27, 2013. The law, MCL 24.278(2) provides that a disposition may be made of a contested case hearing by stipulation or agreed settlement. In this case, the department has agreed to settle since the claimant did provide a good faith effort to provide verification that he no longer owned the property in question, but it did not meet the department standards. The department failed to let the claimant know that the verification that he provided was insufficient and what would be required to determine continued eligibility for FAP benefits.

Under Bridges Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is incorrect. The department provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns must start when the hearing request is received and continue through the day of the hearing.

Prior to the closure of the hearing record, the department agreed to redetermine the claimant's eligibility for FAP benefits since the claimant did not get an opportunity to provide sufficient verification that he was no longer the owner of the property in question. As a result of this agreement, claimant indicated she/he no longer wished to proceed with the hearing. Since the claimant and the department have come to an agreement it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

Claimant retains a right to request a hearing on the above determination within 90 days from the date of the department's written notice, pursuant to BAM Item 600.

Therefore, it is not necessary for the Administrative Law Judge to decide the matter that was in dispute. Pursuant to MAC R 400.906 and 400.903, claimant's hearing request is HEREBY DISMISSED, because claimant is no longer aggrieved by a department action.

**DECISION AND ORDER**

The Administrative Law Judge based on the agreed upon settlement ORDERS that Claimant's hearing request is **DISMISSED**; and the department shall:

1. Initiate a redetermination of the Claimant's eligibility for FAP by sending a verification checklist for the claimant to provide updated verification of lack of ownership of property in question.
2. Provide the Claimant with written notification of the Department's revised eligibility determination.
3. Issue the Claimant any retroactive benefits she/he may be eligible to receive, if any.

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Carmen G. Fahie  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: April 4, 2013

Date Mailed: April 4, 2013

NOTICE: Administrative Hearings 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. Administrative Hearings 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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

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