

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201335652
Issue No.: 3000
Case No.: [REDACTED]
Hearing Date: April 17, 2013
County: Wayne DHS (19)

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 April 17, 2013, from Detroit, Michigan. Participants included the above-named claimant. [REDACTED] testified on behalf of Claimant. Participants on behalf of the Department of Human Services (DHS) included [REDACTED] Supervisor.

ISSUE

The issue is whether DHS properly factored Claimant's rent into a Food Assistance Program (FAP) determination.

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 FAP benefit recipient.
2. Claimant submitted verification of a \$748.46/month rent to DHS.
3. On 2/21/13, DHS processed Claimant's FAP benefit eligibility, effective 3/2013, based on a rent of \$0.
4. On 3/18/13, Claimant requested a hearing to dispute the DHS failure to factor her rent in the FAP benefit determination.

5. Claimant and DHS agreed that Claimant is entitled to have a \$748.46 rent factored in the 3/2013 FAP benefit determination.

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). Claimant requested a hearing to dispute a failure by DHS to factor a verified rent into a 3/2013 FAP benefit determination. DHS conceded that Claimant's 3/2013 FAP benefit determination should have factored the previously verified rent. During the hearing, the parties testified that they reached a settlement concerning the disputed action. DHS proposed to recalculate Claimant's FAP benefit eligibility for 3/2013 to include a rent of \$748.46 based on already received verification from Claimant. 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 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. recalculate Claimant's FAP benefit eligibility, effective 3/2013, by including a rental amount of \$748.46.
2. supplement Claimant for any benefits not issued in error.


Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 4/23/2013

Date Mailed: 4/23/2013

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:

