

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

IN THE MATTER OF:



Reg. No.: 201345301
Issue No.: 3000
Case No.: [REDACTED]
Hearing Date: June 3, 2013
County: Wayne DHS (31)

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 June 3, 2013, from Detroit, Michigan. Participants included the above named Claimant. Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly failed to redetermine Claimant's Food Assistance Program (FAP) benefit eligibility.

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's FAP benefit period was scheduled to end at the end of 2/2013.
3. Claimant submitted necessary redetermination documents to DHS prior to any deadlines.
4. DHS failed to redetermine Claimant's FAP benefit eligibility for 3/2013 based on Claimant allegedly failing to submit necessary redetermination documents.
5. On 5/3/13, Claimant requested a hearing to dispute the termination of FAP benefits, effective 3/2013.

6. Claimant reapplied for FAP benefits and began receiving benefits starting 4/26/13.
7. DHS conceded that Claimant's FAP benefits were improperly terminated and that Claimant was entitled to FAP benefits from 3/1/13-4/25/13.

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). In the present case, Claimant requested a hearing to dispute a termination of FAP benefits, effective 3/2013. Soon after commencement of the hearing, the parties testified that they reached a settlement concerning the disputed action. Consequently, DHS proposed to determine Claimant's FAP benefit eligibility from 3/1/13-4/25/13 subject to Claimant submitting another Redetermination. 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. determine Claimant's FAP benefit eligibility for the period of 3/1/13-4/25/13 subject to Claimant submitting a Redetermination to DHS; and
2. initiate a supplement of FAP benefits, if any, improperly not issued.



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

201345301/CG

Date Signed: 6/11/2013

Date Mailed: 6/11/2013

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:

