

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

IN THE MATTER OF:

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

Reg. No.: 2013-52346
Issue No.: 3000
Case No.: ██████████
Hearing Date: July 10, 2013
County: Wayne (76)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 July 10, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ Eligibility Specialist.

ISSUE

Whether the Department properly calculated Claimant's Food Assistance Program (FAP) benefits from June 2012 through November 2012?

FINDINGS OF FACT

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

1. In December 2012, Claimant contacted the Department notifying that it had incorrectly calculated her FAP benefits.
2. On an unspecified date, the Department determined that Claimant's FAP benefits were budgeted incorrectly and Claimant was entitled to a supplement.
3. In March 2013, the Department submitted a remedy ticket to process Claimant's supplement for FAP benefits.
4. On May 30, 2013, the remedy ticket was resolved and the Department certified Claimant's FAP supplement on June 13, 2013.

5. In June 2013, Claimant received \$777 in FAP supplements. Exhibit 1.
6. On June 5, 2013, Claimant filed a hearing request, disputing the amount of the supplement. Exhibit 1.

CONCLUSIONS OF LAW

Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), the Reference Tables Manual (RFT), and the 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 Rule 400.3001 through Rule 400.3015.

The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24.278(2).

At the hearing, Claimant was disputing that she was entitled to an additional \$289 in FAP benefits for the time period of June 2012 through November 2012. Thus, Claimant requested a hearing to dispute the Department's action for the supplement being lower than she calculated.

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: begin recalculating the FAP budget for June 2012 through November 2012, in accordance with Department policy; issue supplements to Claimant for any FAP benefits she was eligible to receive but did not from June 2012 through November 2012; and notify Claimant in writing of its decision 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 concludes that the Department and Claimant have come to a settlement regarding Claimant's request for a hearing.

THE DEPARTMENT IS ORDERED TO INITIATE THE FOLLOWING ACTION WITHIN TEN DAYS OF THE MAILING DATE OF THIS ORDER:

1. Begin recalculating the FAP budget for June 2012 through November 2012, in accordance with Department policy;
2. Issue supplements to Claimant for any FAP benefits she was eligible to receive but did not from June 2012 through November 2012; and
3. Notify Claimant in writing of its decision in accordance with Department policy.



Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 17, 2013

Date Mailed: July 17, 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.

EJF/cl

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