

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

IN THE MATTER OF:

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

Reg. No.: 2013-58706
Issue No.: 3000
Case No.: ██████████
Hearing Date: August 15, 2013
County: Wayne (19)

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 August 15, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ Eligibility Specialist.

ISSUES

Whether the Department properly closed Claimant's Food Assistance Program (FAP) group member benefits effective August 1, 2013, ongoing, due to a failure to comply with the verification requirements?

Whether the Department properly processed Claimant's FAP eligibility effective August 1, 2013, ongoing?

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's FAP group was an ongoing recipient of benefits. See Exhibit 1.
2. On October 7, 2009, Claimant was in non-cooperation status due to refused employment. See Exhibit 1.
3. On December 28, 2009, Claimant was also in non-cooperation status due to refused employment. See Exhibit 1.

4. Due to the non-cooperation, Claimant was ineligible for FAP benefits. See Exhibit 1.
5. On June 11, 2013, the Department sent Claimant a Redetermination regarding the FAP group, which was due back by July 1, 2013. See Exhibit 1.
6. On June 18, 2013, the Department sent Claimant a Verification Checklist (VCL) regarding the FAP group, which was due back by June 28, 2013. See Exhibit 1.
7. On July 5, 2013, the Department sent Claimant a Notice of Case Action notifying her that the FAP group member benefits would close effective August 1, 2013, ongoing, due to her failure to comply with the verification requirements. Exhibit 1.
8. On July 15, 2013, Claimant filed a hearing request, protesting the Department's action. Exhibit 1.
9. On July 18, 2013, Claimant submitted the redetermination.
10. On July 22, 2013, Claimant submitted the verification documents.

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).

In the present case, Claimant requested a hearing to dispute the Department's action. 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 removing Claimant's non-cooperation status for refused employment, if any; begin redetermination of Claimant's FAP eligibility as of August 1, 2013, ongoing; initiate reinstatement of Claimant's FAP group case as of August 1, 2013, ongoing; begin recalculating the FAP budget for August 1, 2013, ongoing, in accordance with Department policy; begin issuing supplements to Claimant for any FAP

benefits she was eligible to receive but did not from August 1, 2013, ongoing; and begin notifying Claimant in writing of its FAP 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 removing Claimant's non-cooperation status for refused employment, if any;
2. Begin redetermination of Claimant's FAP eligibility as of August 1, 2013, ongoing;
3. Initiate reinstatement of Claimant's FAP group case as of August 1, 2013, ongoing;
4. Begin recalculating the FAP budget for August 1, 2013, ongoing, in accordance with Department policy;
5. Begin issuing supplements to Claimant for any FAP benefits she was eligible to receive but did not from August 1, 2013, ongoing; and
6. Begin notifying Claimant in writing of its FAP decision in accordance with Department policy.


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

Date Signed: August 23, 2013

Date Mailed: August 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.

EJF/cl

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