

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-22523  
Issue Nos.: 1000, 2000, 3000  
Case No.: [REDACTED]  
Hearing Date: March 30, 2011  
DHS County: Wayne (82-43)

**ADMINISTRATIVE LAW JUDGE:** Jan Leventer

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37, and Claimant [REDACTED] hearing request. After due notice, a hearing by telephone was held on March 30, 2011. The Claimant appeared and testified at the hearing. [REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

**ISSUES**

Whether Claimant is eligible for Family Independence Program (FIP), Food Assistance Program (FAP), and Medical Assistance (MA or Medicaid) benefits?

**FINDINGS OF FACT**

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

1. In December 2009, DHS awarded Claimant FIP, FAP and MA benefits.
2. From December 2009 through December 2010, the DHS Office of Child Support (OCS) did not contact Claimant.
3. On January 1, 2011, DHS terminated Claimant's FIP, FAP and MA benefits.
4. On February 23, 2011, Claimant filed a Request for Hearing with DHS.
5. At the hearing on March 30, 2011, DHS agreed to reinstate and process Claimant's benefits as of January 1, 2011.

6. As a result of DHS' agreement to reinstate and process Claimant's application, Claimant testified he no longer wished to continue the Administrative Hearing.

### **CONCLUSIONS OF LAW**

FIP was established by the U.S. Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 United States Code 601 *et seq.* DHS administers the FIP program pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code Rules (MACR) 400.3101-400.3131. DHS' policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables (RFT). These manuals are available online at [www.michigan.gov/dhs-manuals](http://www.michigan.gov/dhs-manuals).

FAP was established by the U.S. Food Stamp Act of 1977 and is implemented by Federal regulations contained in Title 7 of the Code of Federal Regulations. DHS administers the FAP program pursuant to MCL 400.10 *et seq.* and MACR 400.3001-400.3015. DHS' policies are found in BAM, BEM and RFT. *Id.*

MA was established by Title XIX of the U.S. Social Security Act and is implemented by Title 42 of the Code of Federal Regulations. DHS administers MA pursuant to MCL 400.10 *et seq.* and MCL 400.105. DHS' policies are found in BAM, BEM and RFT. *Id.*

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

At the hearing, the parties agreed to resolve the situation with the remedy that DHS will reinstate and process Claimant's FIP, FAP and MA benefits retroactive to January 1, 2011. As the parties have agreed to settle their differences, it is not necessary for the Administrative Law Judge to adjudicate the issues presented.

In conclusion, based on the above findings of fact, the conclusions of law, and the settlement agreement of the parties, IT IS ORDERED that DHS shall reinstate and process Claimant's FIP, FAP and MA benefits and supplement Claimant's benefits retroactive to January 1, 2011, in order to provide him with all benefits to which he is entitled. All steps shall be taken in accordance with DHS policy and procedures.

**DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law and the stipulated agreement of the parties, states IT IS HEREBY ORDERED that DHS shall reinstate and process Claimant's FIP, FAP and MA benefits retroactive to January 1, 2011, and provide supplemental benefits to which Claimant is entitled in accordance with DHS policies and procedures.

IT IS SO ORDERED.



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Jan Leventer  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: April 11, 2011

Date Mailed: April 13, 2011

**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.

JL/pf

cc:

