

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201129587
Issue No: 2013/3003
Hearing Date: July 6, 2011
Calhoun County DHS

ADMINISTRATIVE LAW JUDGE: Janice G. Spodarek

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, an in-person hearing was held on July 6, 2011 at the [REDACTED]

ISSUE

Did claimant and the department's representative come to an agreed upon settlement at the administrative hearing?

FINDINGS OF FACT

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

1. At all relevant times as pertaining to the issues herein, claimant has been a beneficiary of the FIP/MA and FAP programs.
2. On April 12, 2011, claimant filled a hearing request disputing the department's continual recalculation of her MA spend-down as well as her FAP allotment.
3. Claimant testified that very little changes as to income and medical bills have taken place in her case. Claimant was a credible witness.
4. Claimant's case has been switched between numerous caseworkers.
5. Claimant and the department came to an agreed upon settlement at the evidentiary hearing.

6. Claimant credibly argued that she has not had significant month to month changes in her income/deductions that would explain the significant changes in her MA deduction and FAP allotment.
7. DHS misunderstood the scope of claimant's dispute and was not prepared to review claimant's budgets.
8. The hearing summary indicates that claimant refused a prehearing conference. Unrefuted evidence on the record is that none was offered.

CONCLUSIONS OF LAW

MCL 24.278(2) allows for disposition to be made of a contested case hearing by stipulation or agreed upon settlement. Claimant and the agency's representative reached an agreed upon settlement during the July 6, 2011 evidentiary hearing. The terms of the settlement are set forth as follows:

The department agreed to review claimant's MA and FAP budgets from March 11, 2011 and ongoing. The DHS agreed to prepare a statement indicating the income and deductions used each month in each budget. The department indicated that it expected to contact claimant and arrange an in-person meeting to review the statement.

The Administrative Law Judge orders the department to give claimant a copy of the statement with a date. Claimant shall retain a right to hearing for 90 days from the date of the statement should she dispute the calculation.

The department agreed to give claimant a copy of the MA deduction budget for her review.

DECISION AND ORDER

The Administrative Law Judge, based upon the agree settlement as specified herein, ORDERS the department to initiate the actions as set forth herein.

/S/
Janice G. Spodarek
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: July 13, 2011

Date Mailed: July 18, 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.

JGS/db

cc:

