

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

**IN THE MATTER OF:**



Reg. No.: 201148662  
Issue No.: 3000  
Case No.: [REDACTED]  
Hearing Date: September 14, 2011  
County: Wayne County DHS- 57

**ADMINISTRATIVE LAW JUDGE:** Lynn M. Ferris

**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 September 14, 2011, in Detroit, Michigan. Participants on behalf of Claimant included the Claimant only. Participants on behalf of the Department of Human Services (Department) included [REDACTED], FIM.

**ISSUE**

Whether the Department properly:

- denied Claimant's application for benefits
- closed Claimant's case for benefits
- reduced Claimant's benefits

for:

- |   |  |
|---|--|
| <input type="checkbox"/> Family Independence Program (FIP)        | <input type="checkbox"/> State Disability Assistance (SDA) |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP) | <input type="checkbox"/> Child Development and Care (CDC)  |
| <input type="checkbox"/> Medical Assistance (MA)                  | <input type="checkbox"/> State Emergency Services (SER)    |
| <input type="checkbox"/> Adult Medical Assistance (AMP)           |  |

**FINDINGS OF FACT**

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

1. On August 1, 2011, the Department:

- denied Claimant's application for benefits
- closed Claimant's case for benefits
- reduced Claimant's benefits

under the following program(s):

- FIP    FAP    MA    AMP    SDA    CDC    SER.

2. On September 1, 2011, the Department sent notice to Claimant (or Claimant's Authorized Hearing Representative) of the:

- denial
- closure
- reduction.

3. On August 10, 2011, Claimant filed a request for hearing concerning the Department's action.

### **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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et. seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et. seq.*, and 1997 AACS R 400.3101-3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

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 1997 AACS R 400.3001-3015.

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The Adult Medical Program (AMP) is established by 42 USC 1315 and is administered by the Department pursuant to MCL 400.10, *et. seq.*

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL MCL 400.10, *et. seq.*, and 1998-2000 AACS R 400.3151-3180.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and 1. 997 AACS R 400.5001-5015.

The State Emergency Relief (SER) program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, *et. seq.*, and 1993 AACS R 400.7001-400.7049.

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: to recalculate the Claimant's food assistance beginning July 1, 2011 through September 1, 2011 and to include rent expense of \$228 per month, to recalculate the Claimant's food assistance budget beginning March 1, 2011 through September 1, 2011 due to fluctuating unemployment benefits and to determine the correct monthly amount of unemployment benefits actually received and to include that amount as income., and as regards the March 2011 food assistance budget the Department agreed to recalculate the budget to include the unemployment benefit received as a lump sum payment for that period only and to correct its error in that regard as the Department erroneously included the lump sum as an ongoing benefit.

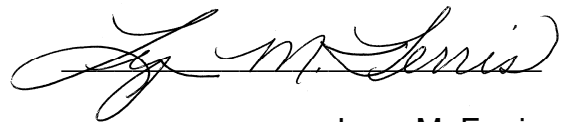
As a result of this settlement, Claimant no longer wishes to proceed with the hearing. As such, it is unnecessary for this Administrative Law Judge to render a decision regarding the facts and issues in this case.

**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 DO THE FOLLOWING:

1. The Department shall initiate and recalculate the Claimant's food assistance beginning July 1, 2011 through September 1, 2011 and include rent expense of \$228 per month.
2. The Department shall initiate and recalculate the Claimant's food assistance budget beginning March 1, 2011 through September 1, 2011 due to fluctuating unemployment benefits and to determine the correct monthly amount of unemployment benefits actually received and to include that amount as income.
3. The Department shall, as regards the March 2011 food assistance budget, recalculate the budget to include the unemployment benefit received as a lump sum payment for that period only and to correct its error in that regard as the Department erroneously included the lump sum received in March 2011 as an ongoing unemployment income amount.
4. the Department shall issue a supplement to the Claimant for any FAP benefits she was otherwise entitled to receive in accordance with Department policy.



Lynn M. Ferris  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: September 15, 2011

Date Mailed: September 15, 2011

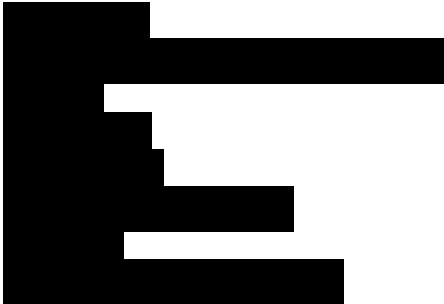
2011-48662/LMF

**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 60 days of the filing of the original request.

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.

LMF/ hw

cc:

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