

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

IN THE MATTER OF:



Reg. No. 201211491
Issue No. 1000; 3000
Case No. [REDACTED]
Hearing Date: December 12, 2011
County: Macomb (20)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 December 12, 2011, in Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included Geraldine Monroe, JET case manager.

ISSUE

Whether the Department properly closed Claimant's Family Independence Program (FIP) benefits and reduced her Food Assistance Program (FAP) benefits?

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 November 3, 2011, the Department scheduled a triage in connection with Claimant's and her husband's compliance with their work-related activities.
2. The Department agreed to delay a finding at the triage to give Claimant the opportunity to provide a medical needs form.
3. On November 3, 2011, Claimant filed a request for hearing.

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.

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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, on November 3, 2011, the Department held a triage and agreed to give Claimant the opportunity to submit a medical needs form. At the hearing, the Department explained that, at the time Claimant filed her request for a hearing on November 3, 2011, the Department had not taken any action with respect to Claimant's FIP and FAP cases. The Department subsequently closed Claimant's FIP case and reduced her FIP benefits, and Claimant requested a hearing with respect to that action on November 11, 2011. The Department testified that the hearing concerning the November 11, 2011, request had not yet been scheduled, and it was not prepared to proceed with respect to that hearing.

Soon after commencement of the hearing, the parties testified that they had reached a settlement concerning the disputed action. Consequently, pending a decision with respect to Claimant's November 11, 2011, hearing request, the Department agreed to do the following: (1) reinstate Claimant's FIP and FAP benefits in the amounts they had been on November 1, 2011, before the Department's action closing Claimant's FIP case and reducing her FAP benefits and (2) issue supplements for any FIP and FAP benefits Claimant was entitled to receive but did not from December 1, 2011, ongoing.

As a result of this settlement, Claimant's AHR 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. Pending a decision with respect to Claimant's November 11, 2011, hearing request, reinstate Claimant's FIP and FAP benefits in the amounts they had been on November 1, 2011, before the Department's action closing Claimant's FIP case and reducing her FAP benefits; and
2. Issue supplements for any FIP and/or FAP benefits Claimant was entitled to receive but did not from December 1, 2011, ongoing until a decision is made with respect to Claimant's November 11, 2011, hearing request.

Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed:

Date Mailed:

NOTICE:

ACE/ctl

cc: [REDACTED]
Macomb County DHS (20)

[REDACTED]
A. Elkin
File