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

IN THE MATTER OF:



Reg. No.: 2012-22845

Issue No.: 3000

Case No.:

Hearing Date: February 29, 2012

County: Wayne (19)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

SETTLEMENT ORDER

This matter is before the undersigned Admini strative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claim ant's request for a hearing. After due notice, a telephone hearing was held on February 29, 2012, from Detroit, Michigan. Participants on behalf of Claimant included Cl aimant and Claimant's spouse. Participants on behalf of the Department of Human Services (Department) included

ISSUE

Whether the Department properly:	
☐ denied Claimant's application for benefits ☐ closed Claimant's case for benefits ☐ reduced Claimant's benefits	
for:	
☐ Family Independence Program (FIP)? ☐ Food Assistance Program (FAP)? ☐ Medical Assistance (MA)? ☐ Adult Medical Assistance (AMP)?	☐ State Disability Assistance (SDA)? ☐ Child Development and Care (CDC)? ☐ State Emergency Services (SER)?

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 January 1, 2012, 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 December 17, 2011, the Department sent notice to Claimant (or Claim ant's Authorized Hearing Representative) of the:
	☐ denial ☐ closure ☑ reduction.
3.	On December 28, 2011, Claimant f iled a request for hearing c oncerning the Department's action.
	CONCLUSIONS OF LAW
Eligibi	tment policies are found in the Bridges Administrative Manual (BAM), the Bridges lity Manual (BEM), the Reference Tables Manual (RFT), and the State Emergency Manual (ERM).
Respo 42 US Agend throug	e Family Independence Program (FIP) was established purs uant to the Personal possibility and W ork Opportunity Reconc iliation Act of 1996, Public Law 104-193, and 5C 601, et seq. The Department (formerly k nown as the Family Independence by) administers FIP pursuant to MCL 400.10, et seq., and 1999 AC, Rule 400.3101 and Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program by Ve October 1, 1996.
progra impler Regul Agend	e Food Assistanc e Program (FAP) [form erly known as the Food Stamp (FS) am] is establis hed by the Food St amp Act of 1977, as amend ed, and is mented by the federal regulations contained in Title 7 of the Code of Federal ations (CFR). The Department (formerly known as the Family Independence by) administers FAP pursuant to MCL 400.10, et seq., and 1999 AC, Rule 001 through Rule 400.3015.
Secur The D	e Medical Ass istance (MA) program is es tablished by the Title XIX of the Soc ial ity Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). repartment of Human Services (formerly known as the Family Independ ence by) administers the MA program pursuant to MCL 400.10, et seq., and MC L 05.

☐ The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, <i>et seq</i> .
☐ The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The D epartment of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, et seq., and 20 00 AACS, Rule 400.3151 through Rule 400.3180.
☐ The Child Development and Care (CDC) program is establis hed by Titles IVA, IVE and XX of the Soc ial Security Act, the Ch ild Care and Developm ent 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 Fede ral Regulations, Parts 98 and 99. The Depart ment provides servic es to adults and children pursuant to MCL 400.14(1) and 1999 AC, Rule 400.5001 through Rule 400.5015.
☐ The State Emergency Relief (SER) program is establ ished by 2 004 PA 344. The SER program is administer ed pursuant to MCL 400.10, et seq., and by 1999 AC, Rul e 400.7001 through Rule 400.7049. Department polic ies are found in the State Emergency Relief Manual (ERM).

The law pr ovides that disposition may be made of a contest ed case by s tipulation 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: re-calculate Claimant's FAP budget, effective January 1, 2012.

As a result of this settlement, Claimant no longer wish es 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. Initiate recalculation of Claimant's FAP budget, effective January 1, 2012.

2. Issue FAP supplements, January 1, 2012, for any missed or increased payments, in accordance with Department policy.

Susan C. Burke
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 3/7/12

Date Mailed: 3/7/12

NOTICE: Michigan Administrative Hearing Syst em (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order. MAHS will not order a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing <u>MAY</u> be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

2012-22845/SCB

Request must be submitted through the local DHS office or directly to MAHS by mail at Michigan Administrative hearings

Re consideration/Rehearing Request

P. O. Box 30639

Lansing, Michigan 48909-07322

SCB/sm

