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

## IN THE MATTER OF:



Reg. No.:20122Issue No.:3000Case No.:Hearing Date:FebruFebruCounty:Wayn

201224332

February 8, 2012 Wayne County DHS (31)

# ADMINISTRATIVE LAW JUDGE: Andrea J. Bradley

# 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 F ebruary 8, 2012, from Detroi t, Michigan. Participant s on behalf of Claimant in cluded the Claimant, the Department of Human Services (Depar the Department of Human Se

# **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)?

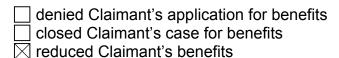
State Disability Assistance (SDA)?	
Child Development and Care (CDC)?	)
State Emergency Services (SER)?	

# FINDINGS OF FACT

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

### 2012-24332/AJB

1. On January 1, 2012, the Department:



under the following program(s):

🗌 FIP	🛛 FAP	🗌 MA	AMP	SDA 🗌		SER.
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2. On December 27, 2011, the Department sent notice to Cla imant (or Claim ant's Authorized Hearing Representative) of the:

	denial
	closure
$\boxtimes$	reduction.

3. On December 29, 2011, Claimant f iled a request for hearing c oncerning 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 W ork Opportunity Reconc iliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq*. The Department (formerly k nown as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq*., and 1999 AC, Rule 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

The Food Assistanc e Program (FAP) [form erly known as the Food Stamp (FS) program] is establis hed by the Food St amp Act of 1977, as amend ed, and is implemented by the federal r egulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independenc e Agency) administers FAP pursuant to MCL 400.10, *et seq*., and 1999 AC, Rule 400.3001 through Rule 400.3015.

The Medical Ass istance (MA) program is es tablished by the Title XIX of the Soc ial Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independ ence Agency) administers the MA pr ogram pursuant to MCL 400.10, *et seq*., and MC L 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 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 testif ied that they had reached a settlement concerning the disputed action. Consequently, the Department agreed to do the following: recalculate the Claimant's FAP budget and take into account allowable medical expenses in accordance with Department policy.

As a result of this settlement, Claimant no longer wish es to proceed with the hearing. As such, it is unnec essary for this Admi nistrative Law Judge to render a decis ion 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.

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THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING:

1. The Department shall recalculate the Claimant's FAP budget and take into account allowable medical expenses.

Andrea J. Bradley Administrative Law Judge for Maura Corrigan, Director Department of Human Services

Date Signed: February 17, 2012

Date Mailed: February 17, 2012

**<u>NOTICE</u>**: Michigan Administrative Hearing System (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.

AJB / cl

CC:		