

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

**IN THE MATTER OF:**



Reg. No.: 201246588  
Issue No.: 4000  
Case No.: [REDACTED]  
Hearing Date: May 17, 2012  
County: Wayne DHS (55)

**ADMINISTRATIVE LAW JUDGE:** Christian Gardocki

**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 May 17, 2012, from Detroit, Michigan. Participants on behalf of Claimant included the above named claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Specialist.

**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 4/2/12, 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 4/2/12, the Department sent notice to Claimant (or Claimant's Authorized Hearing Representative) of the:

- denial
- closure
- reduction.

3. On 4/6/12, Claimant filed a request for hearing concerning the Department's action.

### **CONCLUSIONS OF LAW**

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. DHS administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. DHS policies for SDA are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* DHS administers the FIP pursuant to MCL 400.10, *et seq.* and MAC R 400.3101-3131. DHS policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).


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 a denial of an SDA benefit application. Claimant applied for SDA benefits seeking cash assistance after her FIP benefit eligibility was previously terminated by DHS for exceeding the lifetime limits for receiving FIP benefits. Soon after commencement of the hearing, the parties testified that they had reached a settlement concerning the disputed action. DHS agreed to reinstate Claimant's FIP benefit eligibility back to 2/2012, as mandated by a recent court order. In return, Claimant agreed to withdraw her application for SDA benefits. As the agreement appears to comply with DHS regulations, the settlement among the parties shall be accepted.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact, conclusions of law and by agreement of the parties, finds that DHS improperly terminated Claimant's FIP benefit eligibility effective 2/2012. It is ordered that DHS:

- (1) reinstate Claimant's FIP benefit eligibility effective 2/1/12;
- (2) determine Claimant's ongoing FIP benefit eligibility;
- (3) supplement Claimant for any FIP benefits not received as a result of the improper FIP benefit termination.

The actions taken by DHS are REVERSED.

  
Christian Gardocki  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: May 21, 2012

Date Mailed: May 21, 2012

**NOTICE:** Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (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 timely 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 **MAY** 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.

201246588/ CG

Request must be submitted through the local DHS office or directly to MAHS by mail to:  
Michigan Administrative hearings  
Reconsideration/Rehearing Request  
P. O. Box 30639  
Lansing, Michigan 48909-07322

CG / hw

cc:

