

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

IN THE MATTER OF:



Reg. No.: 2012-48329
Issue No.: 3000
Case No.: [REDACTED]
Hearing Date: May 24, 2012
County: Wayne DHS (15)

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 24, 2012, from Detroit, Michigan. Participants on behalf of Claimant included the above named claimant; [REDACTED] appeared as Claimant's translator. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Manager, [REDACTED], Specialist, and [REDACTED] Office of Child Support representative.

ISSUE

Whether the Department properly:

- denied Claimant's application for benefits
- closed Claimant's case for benefits
- determined 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 an unspecified date, the Department:

- denied Claimant's application for benefits
- closed Claimant's case for benefits
- determined Claimant's eligibility

under the following program(s):

- FIP FAP MA AMP SDA CDC SER.

2. On an unspecified date, the Department sent notice to Claimant (or Claimant's Authorized Hearing Representative) of the:

- denial
- closure
- determination

3. On 4/11/12, 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 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 1999 AC, Rule 400.3001 through Rule 400.3015.

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 FAP determination based, in part, on a finding that Claimant was uncooperative in establishing child support for her children.

The Department proposed to redetermine Claimant's FAP benefit eligibility from 10/2011 subject to the finding that Claimant was cooperative with establishing child support because she had reported that her child's father lived in her household. DHS also agreed to remove any child support sanction from Claimant's disqualification history. Claimant accepted the DHS proposal. As the agreement appears to comply with DHS regulations, the settlement among the parties shall be accepted as an appropriate resolution of Claimant's hearing request.

It should be noted that Claimant contended that DHS should recalculate her FAP benefit eligibility as far back as 2010, the year the sanction was imposed. Generally, clients have up to 90 days following the date of written notice to dispute a DHS action (see BAM 600). For FAP benefits only, the client or authorized hearing representative may request a hearing disputing the current level of benefits at any time within the benefit period. BAM 600 at 4. It was established that Claimant's current FAP benefit period dates back to 10/2011. Thus, Claimant was entitled to dispute her FAP benefit eligibility back to 10/2011, but she was untimely in requesting a hearing for any dispute of FAP benefits from a prior period.

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. redetermine Claimant's FAP benefit eligibility effective 10/2011;
2. redetermine Claimant's FAP benefit eligibility subject to the finding that Claimant was not uncooperative in establish paternity for her children because Claimant reported that her children's father lived in her household; and
3. redetermine Claimant's FAP benefit eligibility subject to the finding that Claimant's children's father was a household member with Claimant;
4. supplement Claimant for any benefits (if any) not received as a result of the DHS errors; and
5. remove the applicable child support disqualification from Claimant's disqualification history.



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

Date Signed: 5/30/12

Date Mailed: 5/30/12

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.

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

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