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

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	Reg. No.: Issue No.: Case No.: Hearing Date: County:	2012 59292 1038 July 26, 2012 Wayne County DHS (18)
ADMINISTRATIVE LAW JUDGE: Lynn M. Ferri	s	
SETTLEMENT O	DRDER	
This matter is before the undersigned Administra and MCL 400.37 following Claimant's request telephone hearing was held on July 26, 2012, fibehalf of Claimant included the Claimant and a won behalf of the Department of Human Service JET Case Worker and ISSUE	for a hearing. rom Detroit, Michig	After due notice, a gan. Participants on Participants
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)?	Child Developme	ssistance (SDA)? ent and Care (CDC)? v 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 July 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):			
2.	On June 8, 2012, the Department sent notice to Claimant (or Claimant's Authorized Hearing Representative) of the:			
	☐ denial ☐ closure ☐ reduction.			
3.	On June 19, 2012, 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 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, <i>et seq.</i> The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, <i>et seq.</i> , and 1999 AC, Rule 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.				
progra impler Regul Ageno	ne Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) am] is established by the Food Stamp Act of 1977, as amended, 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 2001 through Rule 400.3015.			
Secur The [e Medical Assistance (MA) program is established by the Title XIX of the Social ity Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). Department of Human Services (formerly known as the Family Independence by) administers the MA program pursuant to MCL 400.10, et seq., and MCL 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 Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, <i>et seq.</i> , and 2000 AACS, Rule 400.3151 through Rule 400.3180.
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 1999 AC, Rule 400.5001 through Rule 400.5015.
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 by 1999 AC, Rule 400.7001 through Rule 400.7049. Department policies are found in the State Emergency Relief Manual (ERM).

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 the Department's action regarding her failure to participate in the work first program. 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: The Department agreed to reinstate the Claimant's FIP case retroactive to the date of closure and to remove the sanction imposed pursuant to a triage held on June 7, 2012.

As a result of this settlement, Claimant 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. The Department shall initiate reinstatement of the Claimant's FIP case retroactive to the date of closure, 7/1/12, and shall issue a supplement if any to the Claimant for any FIP benefits she was otherwise entitled to receive in accordance with Department policy.

2. The Department shall initiate removal of the 3 month first sanction it imposed due to non participation with Work First activities, arising from the triage conducted on 6/7/12, from its records and the Claimant's case record.

Lynn M. Ferris Administrative Law Judge For Maura Corrigan, Director Department of Human Services

Date Signed: July 27, 2012

Date Mailed: July 27, 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.

LMF/hw

