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

IN THE MATTER OF:		
	Reg. No.: Issue No.: Case No.: Hearing Date: County:	20129452 3000 December 5, 2011 Macomb County DHS (20)
ADMINISTRATIVE LAW JUDGE: Andrea J. Bradl	еу	
SETTLEMENT OR	DER	
This matter is before the undersigned Administrative and MCL 400.37 following Claimant's request of telephone hearing was held on December 5, 2011 on behalf of Claimant included the Claimant, Department of Human Services (Department) in Payment Supervisor, and Antoinette Rance, Eligibility	or a hearing. A , from Detroit, Mid , and his . Participan icluded Janice H	After due notice, a chigan. Participants s attorney tts on behalf of the
<u>ISSUE</u>		
Whether the Department properly:		
☐ denied Claimant's application for benefits ☐ closed Claimant's case for benefits ☐ reduced Claimant's benefits		
for:		
Food Assistance Program (FAP)?	Child Developme	ssistance (SDA)? nt and Care (CDC)? 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 October 1, 2011, 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 September 20, 2011, the Department sent notice to Claimant (or Claimant's Authorized Hearing Representative) of the:	
	☐ denial ☐ closure ☑ reduction.	
3.	On October 24, 2011, 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, et seq. The Department (formerly known 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 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, <i>et seq.</i> , and 1999 AC, Rule 400.3001 through Rule 400.3015.		
Secur	ne 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.	
	ne Adult Medical Program (AMP) is established by 42 USC 1315, and is istered by the Department pursuant to MCL 400.10, et seq.	

☐ 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. 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 will recalculate the Claimant's FAP benefits based on the October 1, 2011 date of reduction. The Department will consider as part of the FAP recalculation verification of the shelter expense as well as property tax expense provided by the Claimant to the Department.

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 abide by the terms of the settlement agreement set forth above in accordance with Department policy.

2. The Department shall supplement the Claimant for any lost benefits he was eligible and otherwise qualified to receive but-for the October 1, 2011 FAP reduction in accordance with Department policy.

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

Date Signed: 11/06/11

Date Mailed: 11/07/11

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.

AJB / dj

