

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-62717
Issue Nos.: 1000, 3000
Case No.: [REDACTED]
Hearing Date: August 15, 2012
County: Wayne (82-41)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

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 August 15, 2012, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED]

[REDACTED]

ISSUE

Whether the Department properly:

- denied Claimant's application for Family Independence Program (FIP) benefits
- closed Claimant's case for Food Assistance Program (FAP) benefits
- reduced Claimant's benefits

STATEMENTS OF FACT

The Administrative Law Judge, based on competent, material and substantial evidence in the record and on the entire record as a whole, finds as material fact:

1. On July 1, 2012, the Department denied Claimant's application for Family Independence Program (FIP) benefits and closed Claimant's case for Food Assistance Program (FAP) benefits.
2. On June 28, 2012, the Department sent notice to Claimant (or Claimant's Authorized Hearing Representative) of the denial and closure.

3. On July 2, 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, *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, *et seq.*, and 1999 AC, Rule 400.3001 through Rule 400.3015.

Claimant requested a hearing to dispute the Department's action. Shortly after commencement of the hearing, Claimant testified that she now understood and accepted the actions taken by the Department with regard to the denial of FIP benefits to her. Claimant also testified that she did not wish to proceed with a hearing on the FIP benefits issue. The Department agreed to the dismissal of Claimant's hearing request. Pursuant to MAC R 400.906(1), Claimant's hearing request is hereby DISMISSED with regard to the denial of FIP benefits to Claimant.

Also, in this case it is noted that 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 with regard to termination of her FAP benefits. 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: reinstate Claimant's FAP benefits and provide FAP benefits to her at the correct benefit level.

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

Based on the above discussion, it is ORDERED that this matter is DISMISSED pursuant to MAC R 400.906(1) with regard to the FIP benefits issue only.

Furthermore, the Administrative Law Judge concludes that the Department and Claimant have come to a settlement regarding Claimant's request for a hearing regarding FAP benefits.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITH REGARD TO CLAIMANT'S FAP BENEFITS:

1. Reinstate Claimant's FAP benefits case.
2. Initiate procedures to recalculate Claimant's FAP eligibility and benefit level.
3. Initiate procedures to provide retroactive and ongoing FAP benefits at the benefit level to which she is entitled.
4. All steps shall be taken in accordance with Department policy and procedure.



Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 20, 2012

Date Mailed: August 20, 2012

NOTICE: 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.

JL/pf

cc:

