

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-64645
Issue No.: 3000
Case No.: [REDACTED]
Hearing Date: September 24, 2012
County: Wayne (18)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 hearing was held on Monday, September 24, 2012, in Taylor, Michigan. The Claimant appeared and testified. Participating on behalf of the Department of Human Services ("Department") was [REDACTED].

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. The Claimant, a Senior, Disabled, Veteran ("SDV"), is a FAP recipient.

2. Effective April 1, 2012, the Claimant's FAP benefits were reduced from \$357.00 to \$51.00 based on the Department's failure to include income from the Veteran's Administration ("VA") in the FAP budget. (Exhibits 1, 3)
3. The Claimant has ongoing medical expenses.
4. The Claimant's group size is 2.
5. The Claimant maintains health insurance coverage for him and his spouse.
6. On July 9, 2012, the Department received the Claimant's written request for hearing, protesting the reduction in FAP benefits.

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 Bridges Reference Tables ("RFT").

The Food Assistance Program ("FAP"), formerly known as the Food Stamp 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. The Department, formally known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, Rules 400.3001-3015.

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, in going through the Claimant's budget, it was discovered that ongoing medical expenses were not being deducted. It was not clear if the Claimant was properly coded as an SDV which would allow for the deduction of medical expenses pursuant to BEM 554. In light of the foregoing, the Department agreed to recalculate the Claimant's FAP budget, effective April 1, 2012, to allow for the inclusion of all allowable expenses. All parties were amenable to this resolution.

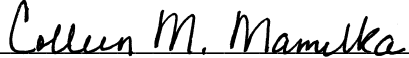
As a result of this settlement, Claimant no longer wishes to proceed with the hearing. As such, it is unnecessary for this Administrative Law Judge to render a decision regarding the facts and issues in this case.

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. Recalculate the Claimant's ("SDV") FAP budget effective April 1, 2012, to allow for the inclusion of all allowable expenses/deductions.
2. The Department shall notify the Claimant of the determination in accordance with Department policy.
3. The Department shall supplement for lost benefits (if any) that the Claimant was entitled to receive, if otherwise eligible and qualified, in accordance with Department policy.


Colleen M. Mamelka
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: October 3, 2012

Date Mailed: October 3, 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.

CMM/pf

cc:

