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

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Reg. No.:	2013-17180
Issue No.:	1000; 3000; 5000
Case No.:	
Hearing Date:	February 4, 2013
County:	

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 February 4, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included Fig. FIM.

ISSU	E
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. On November 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 November 29, 2012, the Department denied Claimant's SER request.		
3.	On December 10, 2012, Claimant filed a request for hearing concerning the Department's action.		
4.	At the hearing, the Department agreed to remove the sanction from Claimant's case, and reinstate and restore Claimant's FIP and FAP benefits, effective November 1, 2012. In addition, Claimant stated she no longer requested a hearing regarding SER.		
	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 Agend	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 001 through Rule 400.3015.		
SER 400.7	ne State Emergency Relief (SER) program is established by 2004 PA 344. The program is administered pursuant to MCL 400.10, et seq., and by 1999 AC, Rule 001 through Rule 400.7049. Department policies are found in the State gency Relief Manual (ERM).		
	aw provides that disposition may be made of a contested case by stipulation or d 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: remove the sanction from Claimant's case, and reinstate and restore Claimant's FIP and FAP benefits, effective November 1, 2012. In addition, Claimant stated she no longer requested a hearing regarding SER.

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. Remove the sanction from Claimant's case.
- 2. Initiate reinstatement and restoration of Claimant's FIP and FAP benefits, effective November 1, 2012.
- 3. Issue FIP and FAP supplements for any missed or increased payments, in accordance with Department policy.

IT IS FURTHER ORDERED that Claimant's request for hearing regarding SER is DISMISSED per Claimant's statement that she no longer requested a hearing regarding SER.

Susan C. Burke Administrative Law Judge

for Maura Corrigan, Director Department of Human Services

Jusa C. Bruke

Date Signed: February 7, 2013

Date Mailed: February 7, 2013

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.

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