

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

IN THE MATTER OF:



Reg. No.: 2013-17458 and 2013-20943
Issue Nos.: 1021, 4008
Case No.: [REDACTED]
Hearing Date: March 4, 2013
County: Oakland (63-04)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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, an in-person hearing was held on March 4, 2013, from Pontiac, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED]

ISSUE

Did the Department properly determine Claimant's Family Independence Program (FIP), Food Assistance Program (FAP) and State Disability Assistance (SDA) benefits?

FINDINGS OF FACT

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

1. In February 2012, Claimant applied for FIP, FAP and MA assistance.
2. The Department activated all benefits for Claimant.
3. On November 30, 2012, the Department issued a negative action notice indicating Claimant's FIP benefits were going to be reduced due to income changes.
4. On December 10, 2012, and December 26, 2012, Claimant submitted requests for hearing regarding his case being moved from FIP to SDA. Claimant did not submit a request regarding his FAP benefits.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

☒ 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 Mich Admin Code, R 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

☒ 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, *et seq.*, and 2000 AACRS, R 400.3151 through R 400.3180.

In February 2012, Claimant applied for cash assistance. At the time of application, he had a child in his home. The Department opened a case for cash benefits. After months of back and forth with the Work First program regarding his inability to attend due to his medical condition, a deferral was sought. Claimant testified he was told he was deferred from Work First. By June 2012, Claimant no longer had a child in his home. By August 2012, a deferral was granted from the Medical Review Team and established a medical review date of 2012. Claimant thought he was told he had been switched over to SDA benefits.

On November 30, 2012, the Department issued a case action notice indicating that Claimant's FIP benefits were being reduced to \$379 a month. This notice indicated the reason for the reduction was due to a change in income.

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: to process Claimant for disability-based SDA and MA back to June 2012. Claimant agreed to this being done on his behalf.

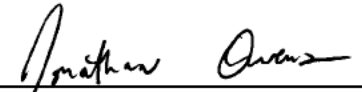
As a result of this settlement, Claimant no longer wishes to proceed with the hearing. As such, it is unnecessary for this Administrative Law Judge to render a decision regarding the facts and issues in this case.

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. Initiate a review of Claimant's eligibility for SDA and MA benefits based upon disability beginning June 2012;
2. Issue a written determination and supplement for any loss in benefits if otherwise eligible.



Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 6, 2013

Date Mailed: March 6, 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.

JWO/pf

cc:

