

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2013-22220  
Issue No.: 2000  
Case No.: [REDACTED]  
Hearing Date: May 13, 2013  
County: Wayne (82-17)

**ADMINISTRATIVE LAW JUDGE:** Eric Feldman

**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 three-way telephone hearing was held on May 13, 2013, from Detroit, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

**ISSUE**

Whether the Department properly:

- denied Claimant's application
- closed Claimant's case
- reduced Claimant's benefits

for:

- |  |   |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP)?  | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input type="checkbox"/> Food Assistance Program (FAP)?      | <input type="checkbox"/> Child Development and Care (CDC)?  |
| <input checked="" type="checkbox"/> Medical Assistance (MA)? | <input type="checkbox"/> State Emergency Services (SER)?    |
| <input type="checkbox"/> Adult Medical Assistance (AMP)?     |   |

**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 December 14, 2011, the Department sent Claimant a Notice of Case Action notifying Claimant of the denial of her MA application, effective September 1, 2011, ongoing. Exhibit 1.
2. On January 2, 2013, Claimant's AHR filed a request for hearing concerning the Department's action. Exhibit 1.

### **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.

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

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 AACS, Rule 400.3151 through Rule 400.3180.

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).

As a preliminary matter, the first issue was to determine whether Claimant's AHR's appeal was timely for the MA issue to be raised. Based on the evidence and testimony presented, Claimant's AHR never received the December 14, 2011, Notice of Case Action regarding the denial reasons for the MA application from the Department. Claimant's AHR presented evidence that an application was mailed to the Department that included the authorization for the AHR to represent Claimant. Exhibit 1. The Department was unable to rebut the testimony or evidence presented. Thus, Claimant's AHR's appeal was timely for the MA issue to be raised.

Additionally, 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 applied for MA benefits on December 8, 2011, and sought retroactive coverage back to September of 2011. On December 14, 2011, the Department sent Claimant a Notice of Case Action notifying Claimant of the denial of her MA application, effective September 1, 2011, ongoing. Exhibit 1. Thus, on January 2, 2013, Claimant's AHR filed a request for hearing concerning the Department's action. Exhibit 1.

At the hearing, Claimant's AHR testified that he never received the December 14, 2011, Notice of Case Action from the Department. As previously discussed above, Claimant's AHR appropriately notified the Department at the time of application that he was authorized to represent Claimant. Thus, the Department should have also sent the Notice of Case Action detailing the MA application denial reasons to Claimant's AHR.

Thus, soon after commencement of the hearing and discovery of the above information, the parties testified they had reached a settlement concerning the disputed action. The parties agreed to allow the Department to resend to Claimant's AHR the December 14, 2011, Notice of Case Action that detailed the denial reasons for the December 8, 2011, MA application and retroactive coverage back to September of 2011. Once Claimant's AHR receives the December 14, 2011, Notice of Case Action, he can still appeal the denial reason within 90 calendar days of the date the notice is mailed to him. BAM 600 (February 2013), p. 4.

Thus, the Department agreed to do the following: the Department shall mail Claimant's AHR the December 14, 2011, Notice of Case Action regarding the denial of Claimant's MA benefits effective September 1, 2011.

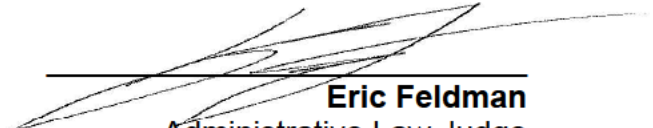
As a result of this settlement, Claimant's AHR no longer wishes to proceed with the hearing. As such, it is unnecessary for this Administrative Law Judge to render a decision regarding the facts and issues in this case.

**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 WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. The Department shall mail Claimant's AHR the December 14, 2011, Notice of Case Action regarding the denial of Claimant's MA benefits effective September 1, 2011.

  
**Eric Feldman**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: May 21, 2013

Date Mailed: May 23, 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.

EJF/pf

cc:

