

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201326080
Issue No.: 2000, 3000
Case No.: [REDACTED]
Hearing Date: February 28, 2013
County: Wayne DHS (19)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 28, 2013, from Detroit, Michigan. Participants included the above-named claimant. Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Specialist, [REDACTED], Supervisor, and [REDACTED], Child Support Specialist.

ISSUE

The issue is whether DHS properly imposed a child support disqualification resulting in adverse actions to Claimant's Food Assistance Program (FAP) and Medical Assistance (MA) benefit eligibility.

FINDINGS OF FACT

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

1. Claimant was an ongoing FAP and MA benefit recipient.
2. On an unspecified date, DHS imposed a child support disqualification against Claimant.
3. On 1/12/13, DHS reduced Claimant's eligibility for MA benefits effective 2/2013, in part, due to a child support disqualification
4. On 1/18/13, DHS reduced Claimant's eligibility for FAP benefits effective 2/2013, in part, due to a child support disqualification

5. On 1/20/13, Claimant requested a hearing to dispute the termination of MA benefit eligibility.
6. On 1/24/13, Claimant requested a hearing to dispute the termination of FAP benefit eligibility.
7. DHS conceded that the child support disqualification was improper.

CONCLUSIONS OF LAW

The Food Assistance Program (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 (CFR). DHS administers the FAP pursuant to Michigan Compiled Laws 400.10, *et seq.*, and Michigan Administrative Code R 400.3001-3015. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). DHS administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

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 adverse actions taken to her FAP and MA benefit eligibility, both actions effective 2/2013. It was not disputed that the adverse actions occurred because DHS imposed a child support disqualification against Claimant. DHS agreed that the child support disqualification was imposed due to improper coding on their part, and not because of any fault of Claimant. As a result, DHS conceded that the adverse actions were improper. Consequently, DHS proposed to redetermine Claimant's FAP and MA benefit eligibility, effective 2/2013, subject to the concession that Claimant was cooperative with obtaining child support. Claimant accepted the DHS proposal. As the agreement appears to comply with DHS regulations, the settlement among the parties shall be accepted.


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. redetermine Claimant's FAP and MA benefit eligibility, effective 2/2013, subject to the agreement that Claimant was cooperate with obtaining child support; and
2. remove and/or correct the relevant child support disqualification from Claimant's disqualification history.

The actions taken by DHS are REVERSED.


Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 1, 2013

Date Mailed: March 1, 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.

CG/hw

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