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

### IN THE MATTER OF:



Reg. No.: 2013-31032 Issue Nos.: 3000, 5000 Case No.: 1

Hearing Date: March 25, 2013 County: Wayne (31)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

## 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 March 25, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included Specialist.

# **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.	On January 1, 2013, the Department:
	<ul> <li>☐ denied Claimant's application for benefits</li> <li>☐ closed Claimant's case for benefits</li> <li>☐ reduced Claimant's benefits</li> </ul>
	under the following program(s):
	☐ FIP ☑ FAP ☐ MA ☐ AMP ☐ SDA ☐ CDC ☐ SER.
2.	On January 14, 2013, Claimant made the required co-payment necessary to receive State Emergency Relief benefits that were previously approved. The Department failed to make SER utility payments on behalf of Claimant.
3.	On December 6, 2012, the Department sent notice to Claimant (or Claimant's Authorized Hearing Representative) of the:
	☐ denial ☐ closure of FAP benefits. ☐ reduction.
4.	On February 14, 2013, Claimant filed a request for hearing concerning the Department's actions.
	CONCLUSIONS OF LAW
Eligibi	tment policies are found in the Bridges Administrative Manual (BAM), the Bridges lity Manual (BEM), the Reference Tables Manual (RFT), and the State Emergency Manual (ERM).
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 2001 through Rule 400.3015.
SER p 400.70	the 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 2001 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: pay SER benefits as approved on December 28, 2012, and reinstate Claimant's FAP benefits..

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 INITIATE THE FOLLOWING ACTIONS WITHIN TEN (10) DAYS OF THE MAILING DATE OF THIS ORDER:

- 1. Pay SER benefits to DTE Energy, as approved by the Department on December 28, 2012.
- 2. Reinstate Claimant's FAP benefits.
- 3. Provide retroactive and ongoing FAP benefits to Claimant at the benefit level to which she is entitled.
- 4. All steps shall be taken in accordance with Department policy and procedure.

Jan Leventer

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

Date Signed: March 26, 2013

Date Mailed: March 26, 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)

# 2013-31032/JL

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.

JL/tm

