

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

IN THE MATTER OF:



Reg. No.: 2013-36219
Issue Nos.: 1000;3000
Case No.: [REDACTED]
Hearing Date: April 18, 2013
County: Wayne (49)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

SETTLEMENT ORDER AND ORDER OF DISMISSAL

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 April 18, 2013, from Detroit, Michigan. Claimant appeared and testified. Participating on behalf of the Department of Human Services (Department) was [REDACTED] Family Independence Specialist.

ISSUE

Did the Department act in accordance with Department policy when it closed Claimant's Family Independence Program (FIP) case and reduced her Food Assistance Program (FAP) benefits?

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 February 11, 2013, the Department sent Claimant a Notice of Case Action informing her that the Department intended to close her FIP case and reduce her FAP benefits effective March 1, 2013. (Exhibit 1)
2. On March 20, 2013, Claimant filed a request for hearing disputing the Department's actions.

CONCLUSIONS OF LAW

Department policies are found in the Department of Human Services Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), Reference Tables Manual (RFT), and State Emergency Relief Manual (ERM).

FIP

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 Michigan Administrative Code R 400.903(1) provides as follows:

An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by an agency action resulting in suspension, reduction, discontinuance, or termination of assistance.

Claimant requested a hearing to dispute the closure of her FIP case. At the hearing, Claimant testified that she understood and accepted the actions taken by the Department concerning the closure of her FIP case and that she did not wish to proceed with a hearing on the issue of her FIP case closure. The Department agreed to the dismissal of Claimant's hearing request with respect to the FIP issue. Pursuant to Mich Admin Code R 400.906(1), Claimant's hearing request is hereby DISMISSED.

FAP

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 Mich Admin Code, R 400.3001 through R 400.3015.

The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24.278(2).

Claimant requested a hearing to dispute the Department's calculation of her FAP benefits. Soon after commencement of the hearing, the parties testified that they had reached a settlement concerning the disputed action. Consequently, with respect to Claimant's FAP case, the Department agreed to do the following: (i) begin recalculating

Claimant's FAP budget from September 2012 ongoing in accordance with Department policy; (ii) begin issuing supplements to Claimant for any FAP benefits that she was entitled to receive but did not from September 2012, ongoing; and (iii) notify Claimant of its decision in writing in accordance with Department policy.

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, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that Claimant's hearing request with regards to FIP is DISMISSED.

The Administrative Law Judge further concludes that the Department and Claimant have come to a settlement regarding Claimant's request for a hearing concerning her FAP benefits.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING:

1. Begin recalculating Claimant's FAP budget from September 2012 ongoing in accordance with Department policy;
2. Begin issuing supplements to Claimant for any FAP benefits that she was entitled to receive but did not from September 2012, ongoing; and
3. Notify Claimant of its decision in writing in accordance with Department policy.



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

Date Signed: April 24, 2013

Date Mailed: April 24, 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.

ZB/cl

cc:

