

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201340053
Issue No.: 1000; 2000; 3000
Case No.: [REDACTED]
Hearing Date: May 6, 2013
County: Oakland (04)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 May 6, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] gitt, Family Independence Manager; and [REDACTED], Family Independence Specialist.

ISSUE

Whether the Department properly closed Claimant's Family Independence Program (FIP) and Medical Assistance (MA) cases and reduced her Food Assistance Program (FAP) benefits based on a noncompliance with child support reporting obligations.

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, or about November 1, 2012, the Department closed Claimant's FIP and MA cases and reduced her FAP benefits based on Claimant's noncompliance with child support reporting obligations.
2. On an unknown date, the Department sent notice to Claimant concerning its actions.
3. On March 22, 2013, Claimant filed a request for hearing concerning the Department's action.

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).

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 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 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 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 actions closing her FIP and MA cases and reducing her FAP benefits based on Claimant's failure to comply with child support reporting obligations. At the hearing, the Department did not provide the Notice of Case Action showing when the actions took affect, or any other documentation supporting its case. 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: (1) remove the child support sanction applied to Claimant's case on, or about October 26, 2012; (2) reinstate Claimant's FIP and MA cases as of the effective date of closure, on or about November 1, 2012; (3) begin recalculating Claimant's FAP benefits for November 1, 2012, ongoing, to include Claimant as a qualified member of her FAP group; (4) begin issuing supplements to Claimant for any FIP and/or FAP benefits she was eligible to receive but did not from November 1, 2012, ongoing, because of the improper child support sanction; (5) provide Claimant with MA coverage she was eligible to receive but did not from November 1, 2012, ongoing, because of the improper child support sanction; (6) notify Claimant in writing of any supplements due to Claimant 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 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. Remove the child support sanction applied to Claimant's case on, or about October 26, 2012;
2. Reinstate Claimant's FIP and MA cases as of the effective date of closure, on or about November 1, 2012;
3. Begin recalculating Claimant's FAP benefits for November 1, 2012, ongoing, to include Claimant as a qualified member of her FAP group;
4. Begin issuing supplements to Claimant for any FIP and/or FAP benefits she was eligible to receive but did not from November 1, 2012, ongoing because of the improper child support sanction;
5. Provide Claimant with MA coverage she was eligible to receive but did not from November 1, 2012, ongoing because of the improper child support sanction;
6. Notify Claimant in writing of any supplements due to her in accordance with Department policy.


Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 5/14/2013

Date Mailed: 5/14/2013

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.

201340053/ACE

ACE/hw

cc:

