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

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Reg. No.: 2013-46691

Issue No.: 3000

Case No.:

Hearing Date: June 10, 2013 County: Wayne (82-15)

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 telephone hearing was held on June 10, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included

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:

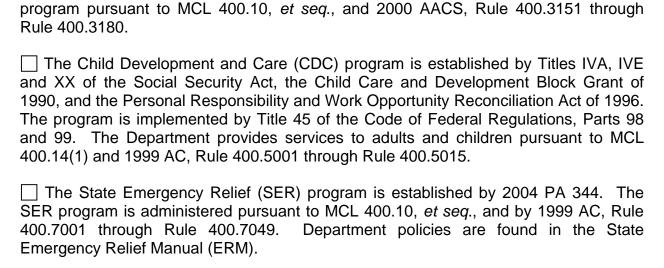
1. Claimant was an ongoing recipient of FAP benefits.

- 2. On January 15, 2013, the Department sent Claimant a redetermination packet due by February 5, 2013. Exhibit 2.
- 3. On January 23, 2013, Claimant submitted to the Department his redetermination packet. Exhibit 2.
- 4. On April 26, 2013, the Department sent Claimant a Notice of Case Action notifying him that his FAP benefits would be decreased to \$69 effective June 1, 2013, ongoing. Exhibit 2.
- 5. On May 3, 2013, Claimant filed a request for hearing, disputing the Department's calculation of his FAP benefits. 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 seg. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, et seg., 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 seg. 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



As a preliminary matter, Claimant disputed the following regarding his reduced FAP benefits: (i) the Department improperly calculated his unearned income (unemployment benefits) and (ii) the Department improperly calculated his shelter expenses. At the hearing, Claimant testified that he now understood and agreed to the calculation of his unearned income (unemployment benefits) for his FAP budget effective June 1, 2013, ongoing. Moreover, the Department and Claimant also agreed to a settlement in regards to the calculation of his shelter expenses for his FAP budget effective June 1, 2013, ongoing.

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 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: (i) initiate verification of Claimant's shelter verifications; (ii) begin recalculating the FAP budget effective June 1, 2013, ongoing, in accordance with Department policy; (iii) issue supplements to Claimant for any FAP benefits he was eligible to receive but did not from June 1, 2013, ongoing; and (iv) notify Claimant of its decision 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. Initiate verification of Claimant's shelter verifications;
- 2. Begin recalculating the FAP budget effective June 1, 2013, ongoing, in accordance with Department policy;
- 3. Issue supplements to Claimant for any FAP benefits he was eligible to receive but did not from June 1, 2013, ongoing; and
- 4. Notify Claimant of its decision in accordance with Department policy.

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

Date Signed: June 12, 2013

Date Mailed: June 13, 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.

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