

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-47144
Issue Nos.: 1000, 2000, 3000
Case No.: [REDACTED]
Hearing Date: June 10, 2013
County: Wayne (82-55)

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 June 10, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED]

ISSUE

Whether the Department properly processed Claimant's redetermination for State Disability Assistance (SDA), Food Assistance Program (FAP), and Medical Assistance (MA)?

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 SDA, FAP, and MA.
2. In connection with a redetermination, the Department closed Claimant's FAP, MA and SDA cases.
3. The Department reinstated Claimant's FAP and MA benefits with no loss of benefits.
4. The Department closed Claimant's SDA case as of May 1, 2013, based on his failure to provide an Individualized Education Plan (IEP).

5. On May 7, 2013, Claimant filed a request for hearing regarding the Department's actions concerning his SDA, MA and FAP cases.

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 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 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 program pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3151 through R 400.3180.

At the hearing, the Department testified that it had timely received Claimant's FAP and MA redetermination and reinstated Claimant's FAP and MA benefits. The Department established that Claimant's FAP and MA benefits were reinstated and that he received ongoing, uninterrupted MA coverage and FAP benefits. Because Claimant was not aggrieved with respect to the Department's actions concerning his MA and FAP cases, his hearing request concerning those issues is dismissed. Mich Admin Code R 400.903(1).

In its hearing summary, the Department stated that Claimant's SDA case closed effective May 1, 2013, because Claimant had failed to submit an IEP. However, at the hearing, the Department testified that it had closed Claimant's case in error.

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) provide Claimant with a medical packet for his completion; (ii) begin referring Claimant to the Medical Review Team (MRT) for a disability assessment to determine ongoing SDA eligibility, in accordance with Department policy; (iii) begin

issuing supplements to Claimant for any SDA benefits he is eligible to receive but did not based on the MRT assessment, from May 1, 2013, ongoing; and (iv) notify Claimant in writing of its decision.

The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24.278(2). 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 (i) Claimant's is not aggrieved with respect to the Department's actions concerning his FAP and MA cases and (ii) the Department and Claimant have come to a settlement regarding Claimant's request for a hearing.

Accordingly, Claimant's MA and FAP hearing request is DISMISSED.

With respect to the SDA issue, the Department is ORDERED to do the following:

1. Provide Claimant with a medical packet for his completion;
2. Begin referring Claimant to the Medical Review Team (MRT) for a disability assessment to determine ongoing SDA eligibility, in accordance with Department policy;
3. Begin issuing supplements to Claimant for any SDA benefits he is eligible to receive but did not based on the MRT assessment, from May 1, 2013, ongoing; and
4. Notify Claimant in writing of its decision.



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

Date Signed: June 12, 2013

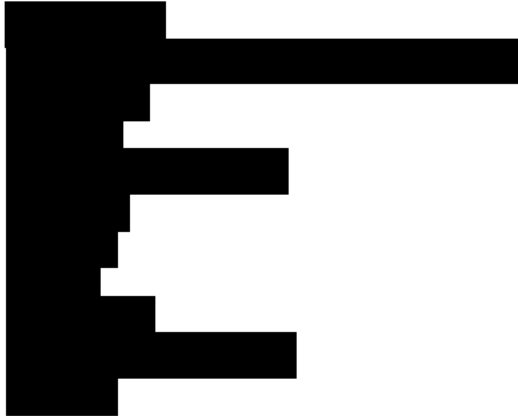
Date Mailed: June 13, 2013

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.

ACE/pf

cc:

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