

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

IN THE MATTER OF:

████████████████████
██
████████████████████

Reg. No.: 2013-48058
Issue No.: 1000; 2000; 3000; 5000
Case No.: ██████████
Hearing Date: June 19, 2013
County: Wayne (55)

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 19, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ Eligibility Specialist and Medical Contact Worker.

ISSUES

Whether the Department properly denied Claimant's Medical Assistance (MA) application effective April 1, 2013, ongoing?

Whether the Department properly denied Claimant's Food Assistance Program (FAP) application effective April 29, 2013, ongoing?

Whether the Department properly denied Claimant's Family Independence Program (FIP) application effective May 16, 2013, ongoing?

Whether the Department properly denied Claimant's State Emergency Relief (SER) application?

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 April 29, 2013, Claimant applied for MA, FAP, and FIP benefits.

2. On an unspecified date, Claimant also applied for SER benefits.
3. On May 6, 2013, the Department sent Claimant a Notice of Case Action notifying her that her MA application was denied effective April 1, 2013, ongoing, due to excess income. Exhibit 1.
4. On May 6, 2013, the Notice of Case Action also notified the Claimant that her FAP application was denied effective April 29, 2013, ongoing, due to excess income. Exhibit 1.
5. On May 6, 2013, the Notice of Case Action also notified the Claimant that her FIP application was denied effective May 16, 2013, ongoing. Exhibit 1.
6. On an unspecified date, the Department also denied Claimant's SER application.
7. On May 20, 2013, Claimant filed a request for hearing, disputing the Department's denial of her MA, FAP, FIP, and SER applications. 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 seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, 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 Mich Admin Code, 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 State Emergency Relief (SER) program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, *et seq.*, and by Mich Admin

Code, Rule 400.7001 through Rule 400.7049. Department policies are found in the State Emergency Relief Manual (ERM).

As a preliminary matter, Claimant testified that her SER application was pending at the time of her hearing request. The Department testified that subsequent to the hearing request, Claimant's SER application was denied. Claimant's May 20, 2013 Request for Hearing addressed her SER application. However, the hearing could not go forward in regards to the SER issue due to the application still pending. Claimant will be able to file a request for hearing at a later time regarding the denial of her SER application. Thus, it is ORDERED that Claimant's SER request for hearing dated May 20, 2013 is DISMISSED, pursuant to Michigan Administrative Code Rule 400.906(1).

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 actions. Consequently, the Department agreed to do the following: (i) initiate verification of Claimant's income; (ii) reregister the April 29, 2013 application regarding Claimant's MA, FIP, and FAP benefits; (iii) begin reprocessing the application/recalculating the MA, FIP, and FAP budget for April 2013, ongoing, in accordance with Department policy; (iv) issue supplements to Claimant for any MA, FIP, and FAP benefits she was eligible to receive but did not from April 2013, ongoing; and (v) notify Claimant of its MA, FIP, and FAP 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 income;
2. Reregister the April 29, 2013 application regarding Claimant's MA, FIP, and FAP benefits;
3. Begin reprocessing the application/recalculating the MA, FIP, and FAP budget for April 2013, ongoing, in accordance with Department policy;

4. Issue supplements to Claimant for any MA, FIP, and FAP benefits she was eligible to receive but did not from April 2013, ongoing; and
5. Notify Claimant of its MA, FIP, and FAP decision in accordance with Department policy.

It is ALSO ORDERED that Claimant's SER request for hearing dated May 20, 2013 is DISMISSED, pursuant to Michigan Administrative Code Rule 400.906(1).



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

Date Signed: June 24, 2013

Date Mailed: June 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.

EJF/cl

cc: [REDACTED]
[REDACTED]
[REDACTED]
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