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

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Reg. No.: 2013 50272

Issue No.: 3000

Case No.: Hearing Date:

June 27, 2013

County: Wayne County DHS (82)

**ADMINISTRATIVE LAW JUDGE:** Lynn M. Ferris

## 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 27, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included FIM.

# **ISSUE**

Whether the Department properly:	
<ul> <li>☐ denied Claimant's application for benefits</li> <li>☐ closed Claimant's case for benefits</li> <li>☐ reduced Claimant's benefits</li> </ul>	
for:	
<ul> <li>☐ Family Independence Program (FIP)?</li> <li>☐ Food Assistance Program (FAP)?</li> <li>☐ Medical Assistance (MA)?</li> <li>☐ Adult Medical Assistance (AMP)?</li> </ul>	<ul><li>☐ State Disability Assistance (SDA)?</li><li>☐ Child Development and Care (CDC)?</li><li>☐ State Emergency Services (SER)?</li></ul>

# **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 May 1 2013, the Department:

	<ul> <li>☐ denied Claimant's application for benefits</li> <li>☐ closed Claimant's case for benefits</li> <li>☐ reduced Claimant's benefits</li> </ul>			
	under the following program(s):			
	☐ FIP ☐ FAP ☐ MA ☐ AMP ☐ SDA ☐ CDC ☐ SER			
2.	The Department closed the Claimant's FAP case without issuing a notice of case action and acknowledged the case was closed in error.			
3.	On May 1, 2013, Claimant filed a request for hearing concerning the Department's action.			
CONCLUSIONS OF LAW				
Eligib	rtment policies are found in the Bridges Administrative Manual (BAM), the Bridges ility Manual (BEM), the Reference Tables Manual (RFT), and the State Emergency 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 1999 AC, Rule 400.3001 through Rule 400.3015.

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: The Department agreed to reinstate the Claimant's FAP case retroactive to the date of closure, May 1, 2013 and issue a supplement for FAP benefits to the Claimant for May and June, 2013.

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 INITIATE THE FOLLOWING ACTION WITHIN TEN DAYS OF THE MAILING DATE OF THIS ORDER:

1. The Department shall initiate reinstatement of the Claimant's FAP case retroactive to May 1, 2013 and shall supplement the Claimant for FAP benefits for May and June 2013 that the Claimant was otherwise entitled to receive in accordance with Department policy.

Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 27, 2013

Date Mailed: June 27, 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.

LMF/cl

