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

#### IN THE MATTER OF:



Reg. No.: 201326665

Issue No.: 3000

Case No.:

Hearing Date: February 27, 2013

County: St Joseph

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

# SETTLEMENT ORDER

This matter is before the undersigned Administration and MCL 400.37 following Claimant's requitelephone hearing was held on Februar Participants on behalf of Claimant included of the Department of Human Services (Department Assistance Payments Supervisor	est for a hearing. After due notice, a y 27, 2013, from Lansing, Michigan. Participants on behalf tment) included Eligibility Specialist,
ISSU	<u>E</u>
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.	On January 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.	On January 18, 2013, the Department sent notice to Claimant (or Claimant's Authorized Hearing Representative) of the:
	☐ denial ☐ closure ☑ reduction.
3.	On January 17, 2013, Claimant filed a request for hearing concerning the Department's action.
	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).	
Eligibi	ility Manual (BEM), the Reference Tables Manual (RFT), and the State Emergency
Eligibi Relief Th Respo 42 US Agence	ility Manual (BEM), the Reference Tables Manual (RFT), and the State Emergency

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, <i>et seq.</i> , 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 seq.	
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, <i>et seq.</i> , and 2000 AACS, Rule 400.3151 through Rule 400.3180.	
The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and 1999 AC, Rule 400.5001 through Rule 400.5015.	
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 1999 AC, Rule 400.7001 through Rule 400.7049. Department policies are found in the State Emergency Relief Manual (ERM).	

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. During the hearing, the parties reached a settlement concerning the disputed action. Consequently, the Department agreed to do the following: Redetermine the Claimant's eligibility for FAP back to the day the FAP allotment was reduced and issue the Claimant any supplements he may thereafter be due..

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 action to Redetermine the Claimant's eligibility for FAP back to the day the FAP allotment was reduced, and
- 2. Initiate action to issue any supplements the Claimant may thereafter be due.

/s/

**Susanne E. Harris** Administrative Law Judge

for Maura Corrigan, Director Department of Human Services

Date Signed: March 18, 2013
Date Mailed: March 18, 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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing <u>MAY</u> be granted if there is newly discovered evidence that could affect the outcome
  of the original hearing decision.
- A reconsideration MAY be granted for any of the following reasons:
  - misapplication of manual policy or law in the hearing decision,
  - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
  - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at

Michigan Administrative Hearings

Reconsideration/Rehearing Request

P. O. Box 30639

Lansing, Michigan 48909-07322

SEH/db

