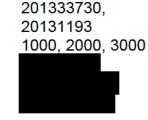
#### STATE OF MICHIGAN MICHIGAN ADMINISTRATIVE HEARING SYSTEM ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES

#### IN THE MATTER OF:



Reg. No.:

Issue No.: Case No.: Hearing Date: County DHS:



## ADMINISTRATIVE LAW JUDGE: Kevin Scully

## SETTLEMENT ORDER

This matter is before the undersigned Administ rative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claim ant's request for a hearing. After due notice, a telephone hearing was held on from Participants on behalf of Claimant included Participants on beha If 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)?

# FINDINGS OF FACT

The Administrative Law Judge, based upon t he competent, material, and substantial evidence on the whole record, finds as material fact;

1.	On 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 the Department sent notice to Claimant (or Claimant's Authorized Hearing Representative) of the:
	<ul> <li>☐ denial</li> <li>⊠ closure</li> <li>☐ reduction.</li> </ul>

3. On Department's action.

Claimant filed a request fo r hearing concerning the

## 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 W ork Opportunity Reconc iliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq*. The Department (formerly k nown as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq*., 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 Assistanc e Program (FAP) [form erly known as the Food Stamp (FS) program] is establis hed by the Food St amp Act of 1977, as amend ed, and is implemented by the federal r egulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independenc e Agency) administers FAP pursuant to MCL 400.10, *et seq*., and 1999 AC, Rule 400.3001 through Rule 400.3015.

The Medical Ass istance (MA) program is es tablished by the Title XIX of the Soc ial 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 Independ ence Agency) administers the MA program pursuant to MCL 400.10, *et seq*., and MC L 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 Disabilit y Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The D epartment of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq*., and 20 00 AACS, Rule 400.3151 through Rule 400.3180.

☐ The Child Development and Ca re (CDC) p rogram is establish ed by T itles IVA, IVE and XX of the Soc ial Security Act, the Ch ild Care and Developm ent 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 Fede ral Regulations, Parts 98 and 99. The Depart ment provides servic es 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 establ ished by 2 004 PA 344. The SER program is administer ed pursuant to MCL 400.10, *et seq.*, and by 1999 AC, Rul e 400.7001 through Rule 400.7049. Department polic ies are found in the State Emergency Relief Manual (ERM).

The law pr ovides that disposition may be made of a contest ed case by s tipulation 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 testif ied that they had reached a settlement concerning the disputed action. Consequently, the Department agreed to do the following: Initiate a determination of the Cla imant's elig ibility for Family Independence Program (FIP), Medical Ass istance (MA), and Food Assistance Program (FAP) benefits as of August 1, 2012.

As a result of this settlement, Claimant no longer wishes to proceed with the hearing. As such, it is unnec essary for this Admi nistrative Law Judge to render a decis ion 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. Provide the Claimant wit h a ten-day period to prov ide the Department with documentation to clarify whether she has cooperated with the Office of Child Support.

- 2. Initiate a determination of the Cla imant's elig ibility for Family Independ ence Program (FIP), Medical Assistance (MA), and F ood Assistance Program (FAP) benefits as of
- 3. Provide the Claimant with a Notice of Case Action (DHS-16 05) describing the Department's revised eligibility determination.
- 4. Issue the Claimant any retroactive benefits she may be eligible to receive, if any.

<u>/s/</u>

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

Date Signed: 04/29/2013

Date Mailed: 04/29/2013

**NOTICE**: Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order . MAHS will not order a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

KS/kl

