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:	2013-50039 3000 June 26, 2013 Macomb (20)
ADMINISTRATIVE LAW JUDGE: Jan Leventer		
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 26, 2013, from Detroit, Michigan, before Administrative Law Judge		
On July 2, 2013, the case was reassigned to Admi preparation of a decision and order.	nistrative Law Ju	dge Jan Leventer for
<u>ISSUE</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)?	State Disability A	ssistance (SDA)?

Child Development and Care (CDC)?

State Emergency Services (SER)?

Food Assistance Program (FAP)?

Adult Medical Assistance (AMP)?

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.	On June 1, 2013, the Department:
	 ☐ denied Claimant's application for benefits ☐ closed Claimant's case for benefits ☐ reduced Claimant's benefits
	under the following program(s):
	☐ FIP ☐ FAP ☐ MA ☐ AMP ☐ SDA ☐ CDC ☐ SER.
2.	On May 23, 2013, the Department sent notice to Claimant (or Claimant's Authorized Hearing Representative) of the:
	☐ denial ☐ closure ☑ reduction.
3.	On May 29, 2013, Claimant filed a request for hearing concerning the Department's action.
	CONCLUSIONS OF LAW
Eligibi	rtment policies are found in the Bridges Administrative Manual (BAM), the Bridges lity Manual (BEM), the Reference Tables Manual (RFT), and the State Emergency Manual (ERM).
progra implei Regul Agend	ne Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) am] is established by the Food Stamp Act of 1977, as amended, and is mented by the federal regulations contained in Title 7 of the Code of Federal ations (CFR). The Department (formerly known as the Family Independence by) administers FAP pursuant to MCL 400.10, et seq., and 1999 AC, Rule 001 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: recalculate Claimant's FAP benefits, taking into consideration Claimant's income information, and provide appropriate benefits.

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. Recalculate Claimant's FAP benefits, taking her gross income into consideration.
- 2. Provide retroactive and ongoing FAP benefits to Claimant at the benefit level to which she is entitled.
- 3. All steps shall be taken in accordance with Department policy and procedure.

Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: <u>July 11, 2013</u> Date Mailed: <u>July 12, 2013</u>

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.

JL/tm

cc: