

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2013-51296  
Issue No.: 3000; 6000  
Case No.: [REDACTED]  
Hearing Date: July 1, 2013  
County: Wayne (82-43)

**ADMINISTRATIVE LAW JUDGE:** Alice C. Elkin

**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 July 1, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

**ISSUE**

Whether the Department properly reduced Claimant's Food Assistance Program (FAP) benefits and closed her Child Development and Care (CDC) case.

**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 July 1, 2013, the Department reduced Claimant's FAP benefits.
2. On May 18, 2013, the Department closed Claimant's CDC case.
3. On an unknown date, the Department sent notice to Claimant of its actions.
4. On May 31, 2013, Claimant filed a request for hearing concerning the Department's actions.

### **CONCLUSIONS OF LAW**

Department policies are found in the Department of Human Services Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), Reference Tables Manual (RFT), and State Emergency Relief 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 Mich Admin Code, R 400.3001 through R 400.3015.

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 Mich Admin Code, R 400.5001 through R 400.5015.

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 actions reducing her FAP benefits and closing her CDC case. 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: (1) reinstate Claimant's CDC case as of May 19, 2013; (2) begin reprocessing Claimant's CDC eligibility for the period between May 19, 2013, and June 2, 2013; (3) allow Claimant's provider to bill for CDC services provided between May 19, 2013, and June 2, 2013, if Claimant is eligible for CDC benefits during that period; (4) issue supplements to Claimant's provider for any CDC benefits the provider is eligible to receive; (5) begin recalculating Claimant's FAP budget and benefit amount from July 1, 2013, ongoing; (6) issue supplements to Claimant for any FAP benefits she is eligible to receive but did not from July 1, 2013, ongoing; (7) notify Claimant in writing of its decision; and (8) act in accordance with Department policy in taking each of the preceding steps.

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. Reinstate Claimant's CDC case as of May 19, 2013;
2. Begin reprocessing Claimant's CDC eligibility for the period between May 19, 2013, and June 2, 2013;
3. Allow Claimant's provider to bill for CDC services provided between May 19, 2013, and June 2, 2013, if Claimant is eligible for CDC benefits during that period;
4. Issue supplements to Claimant's provider for any CDC benefits the provider is eligible to receive;
5. Begin recalculating Claimant's FAP budget and benefit amount from July 1, 2013, ongoing;
6. Issue supplements to Claimant for any FAP benefits she is eligible to receive but did not from July 1, 2013, ongoing;
7. Notify Claimant in writing of its decision; and
8. Act in accordance with Department policy in taking each of the preceding steps.



**Alice C. Elkin**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: July 3, 2013

Date Mailed: July 3, 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.

ACE/pf

cc:

