

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201352590
Issue No.: 3000; 2000
Case No.: [REDACTED]
Hearing Date: July 16, 2013
County: Calhoun

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

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 16, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included Assistance Payments Supervisor, [REDACTED]

ISSUE

Whether the Department properly:

- | | |
|---|---|
| <input type="checkbox"/> denied Claimant's application for benefits | <input checked="" type="checkbox"/> closed Claimant's case for benefits |
| <input type="checkbox"/> reduced Claimant's benefits for: | |
| <input type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> Child Development and Care (CDC)? |
| <input checked="" type="checkbox"/> Medical Assistance (MA)? | <input type="checkbox"/> State Emergency Services (SER)? |
| <input type="checkbox"/> Adult Medical Assistance (AMP)? | |

FINDINGS OF FACT

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

1. There are no DHS-1605, Notice of Case Actions in evidence. However, based upon the Claimant's DHS-18, Hearing Requests in evidence On May 31, 2013, the Department:

- | |
|--|
| <input type="checkbox"/> denied Claimant's application for benefits |
| <input checked="" type="checkbox"/> closed Claimant's case for benefits |
| <input type="checkbox"/> reduced Claimant's benefits under the following program(s): |
| <input type="checkbox"/> FIP <input checked="" type="checkbox"/> FAP <input checked="" type="checkbox"/> MA <input type="checkbox"/> AMP <input type="checkbox"/> SDA <input type="checkbox"/> CDC <input type="checkbox"/> SER. |

2. There are no DHS-1605, Notice of Case Actions in evidence. However, based upon the Claimant's DHS-18, Hearing Requests in evidence June 6, 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.

3. On May 31, 2013, the Department sent notice to Claimant of the:

- denial
- closure
- reduction.

4. On June 6, 2013, the Department sent notice to Claimant of the:

- denial
- closure
- reduction.

5. On June 10, 2013, Claimant filed a request for hearing concerning the MA and FAP closure and/or denial.

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 Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known 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 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 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, *et seq.*, 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, *et seq.*, 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 Department's worker testified that the Claimant's case suffered an employment sanction in error and as such, the Department was in the process of redetermining the Claimant's eligibility for MA and FAP back to the closure date. The Claimant was informed by the Administrative Law Judge that this outcome was equal to the best outcome the Administrative Law Judge could ultimately order. 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: Initiate action to redetermine the Claimant's eligibility for FAP and MA back to the closure date, and issue the Claimant any supplement she may thereafter be due.

During the hearing, the Claimant also wished to protest what she asserted to be subsequent, negative determinations of her FAP allotment. Those issues are subsequent in time to the actions before the Administrative Law Judge and were therefore not considered. The Claimant was informed that she retains the right to request a hearing on subsequent determinations of her FAP.

As a result of this settlement, Claimant no longer wishes to proceed with the hearing regarding the closure and/or denial of her MA and FAP cases. 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 MA and FAP back to the closure date, and issue the Claimant any supplement she may thereafter be due.

/s/

Susanne E. Harris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 7/17/13

Date Mailed: 7/18/13

NOTICE: 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.

SEH/tb

cc:

