

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

IN THE MATTER OF:

██████████
██████████
████████████████████

Reg. No.: 2013-46592
Issue No.: 2000; 4000; 5000
Case No.: ██████████
Hearing Date: July 25, 2013
County: Oakland (03)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 25, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████, Family Independence Manager.

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)?
- 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 April 30, 2013, Claimant applied for SDA benefits. Exhibit 1.

2. On May 1, 2013, the Medical Review Team (MRT) denied Claimant's SDA application.
3. On May 1, 2013, the Department sent Claimant a Notice of Case Action notifying Claimant that his SDA application was denied effective May 16, 2013, ongoing. Exhibit 1.
4. On May 6, 2013, Claimant filed a request for hearing, disputing his SDA, Medical Assistance (MA), and State Emergency Services (SER) benefits. Exhibit 1.
5. In May 2013, the Department determined that it denied Claimant's SDA application in error.

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 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 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 Mich Admin Rule 400.3151 through Rule 400.3180.

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 Mich Admin Rule 400.7001 through Rule 400.7049. Department policies are found in the State Emergency Relief Manual (ERM).

As a preliminary matter, Claimant's hearing request also disputed his MA and SER benefits. However, during the hearing, Claimant did not dispute these issues. Thus, pursuant to Mich Admin Rule 400.906(1), Claimant's MA and SER hearing request is hereby DISMISSED.

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: begin re-registration of the April 30, 2013 SDA application; begin reprocessing the application/recalculating the SDA budget for April 30, 2013, ongoing, in accordance with Department policy; begin issuing supplements to Claimant for any SDA benefits he was eligible to receive but did not from April 30, 2013, ongoing; and begin notifying Claimant in writing of its SDA decision in accordance with Department policy.

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. Begin re-registration of the April 30, 2013 SDA application;
2. Begin re-processing the application/recalculating the SDA budget for April 30, 2013, ongoing, in accordance with Department policy;
3. Begin issuing supplements to Claimant for any SDA benefits he was eligible to receive but did not from April 30, 2013, ongoing; and
4. Begin notifying Claimant in writing of its SDA decision in accordance with Department policy.

Based on the above discussion, it is ALSO ORDERED that Claimant's MA and SER hearing request dated May 6, 2013 is DISMISSED pursuant to Mich Admin Rule 400.906(1).



Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 16, 2013

Date Mailed: August 16, 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.

EJF/cl

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]