

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

IN THE MATTER OF:

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

Reg. No.: 2013-57654
Issue No.: 1000; 3000
Case No.: ██████████
Hearing Date: August 14, 2013
County: Wayne (17)

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 August 14, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant, and Claimant's ██████████
██████████ Participants on behalf of the Department of Human Services (Department) included ██████████ Case Manager, and ██████████, the Department's ██████████

ISSUES

Did the Department properly calculate Claimant's Food Assistance Program (FAP) and Family Independence Program (FIP) benefits effective March 2013, ongoing?

Did the Department properly close Claimant's FAP benefits effective August 1, 2013, ongoing, due to her failure to comply with the verification requirements?

FINDINGS OF FACT

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

1. Claimant is an ongoing recipient of FAP and FIP benefits. See Exhibit 1.
2. On June 10, 2013, the Department sent Claimant a Verification Checklist, which was due back by June 20, 2013. Exhibit 1.

3. On June 26, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FAP benefits closed effective August 1, 2013, ongoing, due to her failure to comply with the verification requirements. Exhibit 1.
4. On July 8, 2013, Claimant filed a request for hearing concerning the Department's action. Exhibit 1.

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 Mich Admin 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 Mich Admin Rule 400.3001 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: initiate reinstatement of Claimant's FAP case as of August 1, 2013, ongoing; initiate redetermination of Claimant's FAP and FIP group composition as of March 2013, ongoing; begin recalculating the FAP and FIP budget for March 2013, ongoing, in accordance with Department policy; begin issuing supplements to Claimant for any FAP and FIP benefits she was eligible to receive but did not from March 2013; and begin notifying Claimant in writing of its FAP and FIP 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. Initiate reinstatement of Claimant's FAP case as of August 1, 2013, ongoing;
2. Initiate redetermination of Claimant's FAP and FIP group composition as of March 2013, ongoing;
3. Begin recalculating the FAP and FIP budget for March 2013, ongoing, in accordance with Department policy;
4. Begin issuing supplements to Claimant for any FAP and FIP benefits she was eligible to receive but did not from March 2013; and
5. Begin notifying Claimant in writing of its FAP and FIP decision in accordance with Department policy.



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

Date Signed: August 22, 2013

Date Mailed: August 22, 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]