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

| IN THE MATTER OF:   |  |  |
|---|--|--|
|   | Reg. No.:<br>Issue No.:<br>Case No.:<br>Hearing Date:<br>County: | 201342434<br>2000<br>August 12, 2013<br>Wayne                |
| ADMINISTRATIVE LAW JUDGE: Jan Leventer  |  |  |
| SETTLEMENT (  | <u>ORDER</u>   |  |
| This matter is before the undersigned Admini stra and MCL 400.37 following Claim ant's request fo was held on August 12, 2013, in Detroit, Mi chig included the Claimant's Authorized Representati Claimant did not appear. Part icipants on behalf (Department) included Representation, Eligibility | r a hearing. After d<br>gan. Participants or<br>ve,              | ue notice, a hearing<br>behalf of Claimant<br>L&S Assoc. The |
| 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)?  | Child Developme  | essistance (SDA)?<br>ent and Care (CDC)?<br>Services (SER)?  |

1.

## **FINDINGS OF FACT**

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

| 1.                                 | On January 18, 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 January 18, 2013, the Department s ent notice to Claimant (or Claimant's Authorized Hearing Representative) of the:   |
|                                    | <ul><li>☑ denial</li><li>☐ closure</li><li>☐ reduction.</li></ul>  |
| 3.                                 | On April 23, 2013, Cla imant 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<br>ility Manual (BEM), the Reference Tables Manual (RFT), and the State Emergency<br>Manual (ERM).   |
| Respo<br>42 US<br>Ageno<br>throug  | e Family Independence Program (FIP) was established pursuant to the Personal possibility and W ork Opportunity Reconciliation Act of 1996, Public Law 104-193, SC 601, et seq. The Department (formerly k nown as the Family Independence by) administers FIP pursuant to MCL 400.10, et seq., and 1999 AC, Rule 400.3101 and Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program ive October 1, 1996. |
| progra<br>imple:<br>Regul<br>Agena | e Food Assistanc e Program (FAP) [form erly known as the Food Stamp (FS) am] is establis hed by the Food St amp Act of 1977, as amend ed, 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.                   |
| Secur<br>The D                     | e Medical Ass istance (MA) program is es tablished by the Title XIX of the Soc ial<br>city Act and is implemented by Title 42 of the Code of Federal Regulations (CFR).<br>Department of Human Services (formerly known as the Family Independ ence<br>cy) administers the MA program pursuant to MCL 400.10, et seq., and MC L<br>05.   |

| ☐ 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 D epartment of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, et seq., and 20 00 AACS, Rule 400.3151 through Rule 400.3180.   |
| ☐ The Child Development and Care (CDC) program is establis hed by Titles IVA, IVE and XX of the Soc ial 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 establ ished by 2 004 PA 344. The SER program is administer ed pursuant to MCL 400.10, et seq., and by 1999 AC, Rul e 400.7001 through Rule 400.7049. Department polic ies are found in the State Emergency Relief Manual (ERM).   |

The law pr ovides that disposition may be made of a contest ed case by s tipulation 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: reinst ate and approve Claimant's MA app lication, and provide MA benefits, based on the U.S. Social Security Administration approval of Claimant for Retirement, Survivors, and Disability Insurance (RSDI) benefits.

As a result of this settlement, Claimant no longer wish es 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 INITIA TE THE FOLLOWING ACTION WITHIN TEN DAYS OF THE MAILING DATE OF THIS ORDER:

- 1. Reinstate and re-register Claimant's MA application.
- Approve Claimant's MA applic ation based on the approval by the U.S. Social Security Administration of Claimant for Retirement, Survivors and Disability Insurance (RSDI) benefits.

3. Provide retroactive and ongoing MA benef its to Claimant at the benefit lev el to which she is entitled.

4. 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: 08/23/2013

Date Mailed: 08/26/2013

**NOTICE**: Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order. MAHS will not or der a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

JL/sw

