

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

IN THE MATTER OF:



Reg. No.: 201357472
Issue No.: [REDACTED]
Case No.: [REDACTED]
Hearing Date: August 13, 2013
County: Macomb

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 13, 2013. Claimant and her husband [REDACTED] appeared and testified. Participants on behalf of the Department of Human Services (Department) included ES [REDACTED].

ISSUE

Whether the Department determined the proper amount of Claimant's Medical Assistance (MA) and Food Assistance Program (FAP) eligibility?

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 2, 2013, the Department sent Claimant a Notice of Case Action (DHS-1605) stating their eligibility determination for Claimant's application.
2. On July 11, 2013, Claimant filed a request for hearing concerning the Department's action.

CONCLUSIONS OF LAW

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 this hearing it was determined that [REDACTED] is a member of Claimant's

household and is paying child support to Claimant through Friend of the Court. The Department was not aware of this fact when Claimant's eligibility was determined. This situation results in part of [REDACTED] income being counted twice for the benefit group. Consequently, the Department agreed to do the following: reinstate Claimant's June 26, 2013 application and redo the financial eligibility budgets to determine the groups correct eligibility.

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. Reinstate Claimant's June 26, 2013 application and redo the financial eligibility budgets to determine the groups correct eligibility.
2. Issue Claimant an updated Notice of Case Action (DHS-1605) for the newly determined eligibility.

/s/ _____
Gary F. Heisler
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 08/16/2013

Date Mailed: 08/19/2013

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 receipt 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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

GFH/sw

cc:

