

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-10350
Issue No.: 1000, 2000, 3000
Case No.: [REDACTED]
Hearing Date: January 23, 2013
County: Wayne (76)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 conducted from Detroit, Michigan on Wednesday, January 23, 2013. The Claimant appeared and testified. Participating on behalf of the Department of Human Services ("Department") was [REDACTED].

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. The Claimant was a FIP, FAP, and MA recipient.
2. In August 2012, the Claimant's MA benefits were closed.

3. On September 10, 2012, the Claimant's case was referred for triage due to non-compliance with the Jobs, Education, and Training ("JET") program. (Exhibit 2)
4. On September 12, 2012, a Notice of Non-compliance was sent to the Claimant instructing her to appear for triage on September 18, 2012. (Exhibit 1)
5. The Claimant did not participate in the triage resulting in a finding of no good cause and the imposition of the JET sanction. (Exhibit 3)
6. As a result of the sanction, the Claimant's cash benefits were closed and the FAP benefits were reduced. (Exhibit 4)
7. On November 1, 2012, the Department received the Claimant's timely written request for hearing.

CONCLUSIONS OF LAW

Department policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Tables ("RFT").

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 program effective October 1, 1996.

The Food Assistance Program ("FAP"), formerly known as the Food Stamp 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. The Department, formerly known as the Family Independence Agency, administers FAP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, Rules 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 law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24.278(2).

In the present case, the Department found the Claimant non-compliant with the JET program. During the period at issue, the Claimant's home was damaged due to fire

forcing the Claimant to move. The Claimant never received any notices. The Claimant testified credibly that she communicated with her worker what had happened and sought assistance regarding what she should do because she missed her JET appointment due to the fire. During the hearing, in light of the foregoing, the Department agreed to reactivate benefits provided otherwise eligible and qualified back from the date of closure. The Claimant was satisfied with the Department's actions. As a result of this accord, there is further issue that needs to be adjudicated.

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. As agreed, initiate reactivation of FIP, FAP, and MA benefits from the date of closure provided the Claimant was otherwise eligible and qualified in accordance with department policy.
2. The Department shall notify the Claimant of the determinations in accordance with department policy.
3. The Department shall supplement for lost benefits that the Claimant was entitled to receive if otherwise eligible and qualified in accordance with department policy.



Colleen M. Mamelka
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: January 28, 2013

Date Mailed: January 28, 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.

CMM/tm

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