

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

IN THE MATTER OF:



Reg. No.: 2013-38827
Issue Nos.: 1000, 2000, 3000, 5000
Case No.: [REDACTED]
Hearing Date: April 29, 2013
County: Wayne (31)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

**ORDER OF DISMISSAL
FOR LACK OF JURISDICTION; 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 April 29, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Family Independence Specialist.

Regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in Mich Admin Code, R 400.901 through R 400.951. Rule 400.903 provides in relevant part:

An opportunity for a hearing shall be granted to an applicant who requests a hearing because a claim for assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by a Department action resulting in suspension, reduction, discontinuance, or termination of assistance. [R 400.903(1).]

A request for hearing must be in writing and signed by the claimant, petitioner, or authorized representative. Rule 400.904(1). Moreover, the Bridges Administrative Manual (BAM) 600 (2013), p. 4, provides in relevant part as follows:

The client or authorized hearing representative has *90 calendar days from the date of the written notice of case action to request a hearing*. The request must be received anywhere in DHS within the 90 days. [Emphasis added.]

In the present case, the Claimant requests a hearing decision concerning actions taken by the Department in the following four programs:

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|--|---|
| <input checked="" type="checkbox"/> the Family Independence Program (FIP). | <input type="checkbox"/> State Disability Assistance (SDA). |
| <input checked="" type="checkbox"/> the Food Assistance Program (FAP). | <input type="checkbox"/> Child Development and Care (CDC). |
| <input checked="" type="checkbox"/> Medical Assistance (MA). | <input checked="" type="checkbox"/> State Emergency Services (SER). |
| <input type="checkbox"/> Adult Medical Assistance (AMP). | |

On October 18, 2012, the Department paid Claimant a \$5.00 FIP benefit, and she seeks to dispute it in this hearing. Also, on October 22, 2012, Claimant filed a SER application upon which the Department never took action.

However, Claimant did not file a request for hearing to contest the Department's actions until March 28, 2013. Claimant's hearing request regarding FIP and SER is therefore, not timely filed within ninety days of the actions by the Department and are therefore DISMISSED for lack of jurisdiction. Department of Human Services Bridges Administrative Manual (BAM) 600 (2013), p. 5.

Next, with regard to Claimant's FAP and MA issues, the Department's Notice of Case Action to Claimant is dated March 20, 2013, therefore Claimant's March 28, 2013 hearing request is filed in a timely fashion.

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 regarding FAP and MA. 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: recalculate Claimant's FAP benefit level, and follow up with regard to making a timely decision with regard to Medicaid disability.

As a result of this settlement, Claimant no longer wishes to proceed with the hearing regarding FAP and MA. As such, it is unnecessary for this Administrative Law Judge to render a decision regarding the facts and issues relating to FAP and MA 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 regarding the FAP and MA programs.

PURSUANT TO THE AGREEMENT OF THE PARTIES, IT IS HEREBY ORDERED THAT THE DEPARTMENT SHALL INITIATE THE FOLLOWING ACTION WITHIN TEN (10) DAYS OF THE MAILING DATE OF THIS ORDER:

1. Review and recalculate Claimant's FAP allotment.

2. Provide Claimant with retroactive and ongoing FAP benefits at the benefit level to which she is entitled.
3. Determine the status of Claimant's MA disability application.
4. Issue a Notice of Case Action informing Claimant of her FAP benefit level and of the status of her MA disability application.
5. All steps shall be taken in accordance with Department policy and procedure.

It is SO ORDERED.

IT IS FURTHER ORDERED THAT PURSUANT TO BAM 600, Claimant's request for hearing on the issues of FIP and SER are untimely and are DISMISSED.



Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 30, 2013

Date Mailed: April 30, 2013

NOTICE: The law provides that within 30 days of receipt of the above Decision and Order, the Claimant may appeal it to the circuit court for the county in which he/she lives.

JL/tm

cc:

