

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201344589  
Issue No.: 1000; 3000  
Case No.: [REDACTED]  
Hearing Date: May 30, 2013  
County: Wayne (17)

**ADMINISTRATIVE LAW JUDGE:** Alice C. Elkin

**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 May 30, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and [REDACTED], Claimant's grandfather. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Family Independence Specialist.

**ISSUE**

Whether the Department properly denied Claimant's Family Independence Program (FIP) application and reduced her Food Assistance Program (FAP) benefits because of noncooperation with child support reporting obligations.

**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 November 20, 2012, Claimant applied for FIP and FAP.
2. On December 6, 2012, the Department sent Claimant a Notice of Case Action notifying her that (i) her FIP application was denied because her household's countable exceeded the FIP income limit, and, (ii) while she was approved for \$367 in monthly FAP benefits for December 2012 for a FAP group size of two, her group size was decreased to one and her FAP benefits were decreased to \$200 effective January 1, 2013, because Claimant had failed to cooperate with child support requirements.

3. Claimant was paid FIP benefits for December 16, 2012, through January 31, 2013.
4. On April 29, 2013, Claimant filed a request for hearing, disputing the Department's actions.

### **CONCLUSIONS OF LAW**

Department policies are found in the Department of Human Services Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), Reference Tables Manual (RFT), and 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 Code, R 400.3101 through R 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 Code, R 400.3001 through R 400.3015.

At the hearing, the Department testified even though the Notice of Case Action stated that Claimant's FIP application was denied because Claimant exceeded the income limit for the program, the denial was not due to excess income. Rather, Claimant's FIP application was denied and her FAP benefits were reduced because an October 8, 2012 child support noncooperation date appeared on its system. The Department testified that when it subsequently reviewed Claimant's case, it discovered that the Office of Child Support had entered an October 8, 2012 comply date. Because Claimant was not subject to a child support noncooperation penalty at the time of the November 20, 2013 application, the Department acknowledged that Claimant should not have been designated as a disqualified member of her FAP group and testified that, prior to the hearing, it had notified Claimant that she would receive a FAP supplement for February 2013 through April 30, 2013, of \$501, the benefits was eligible to receive for a group size of two (Claimant and her daughter) less the benefits she had received during those months. Claimant acknowledged receiving such a notice. The Department also testified that Claimant was eligible for full FAP benefits for a group size of two from May 1, 2013, ongoing.

Following the Department's acknowledgement that Claimant was not subject to a child support sanction at the time of her application, the parties testified that they had

reached a settlement concerning the disputed action. The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24.278(2). Consequently, the Department agreed to do the following: (1) reinstate Claimant's FIP case effective February 1, 2013; (2) issue supplements to Claimant for FIP benefits she was eligible to receive but did not from February 1, 2013, ongoing; and (3) issue a FAP supplement to Claimant in the amount of \$167 for FAP benefits she was eligible to receive for January 2013.

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 DO THE FOLLOWING:

1. Reinstate Claimant's FIP case effective February 1, 2013;
2. Issue supplements to Claimant for FIP benefits she was eligible to receive but did not from February 1, 2013, ongoing; and
3. Issue a FAP supplement to Claimant in the amount of \$167 for FAP benefits she was eligible to receive for January 2013.



Alice C. Elkin  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: 6/7/2013

Date Mailed: 6/7/2013

**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.

ACE/hw

cc:

