

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-46776
Issue No.: 1000
Case No.: [REDACTED]
Hearing Date: July 24, 2013
County: Wayne (82-57)

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 July 24, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Whether the Department properly determined that Claimant was subject to an overissuance for Family Independence Program (FIP) benefits issued to her in March 2013.

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 April 12, 2013, the Department notified Claimant that she had been overissued FIP benefits for March 2013.
2. On April 25, 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 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 finding that she was overissued FIP benefits in March 2013 totaling \$828. At the hearing, the Department agreed that it had erred in finding an overissuance. The Department also agreed that it had failed to process Claimant's member add request for February 2013 and March 2013. 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: (i) remove the overissuance at issue from Claimant's record; (ii) issue supplements to Claimant for FIP benefits that were improperly recouped based on the erroneous overissuance finding; (iii) recalculate Claimant's FIP budget to include Claimant's husband as a FIP group member for February 2013 and for March 2013; (iv) issue supplements to Claimant for FIP benefits she was eligible to receive but did not for February 2013 and March 2013; and (v) notify Claimant in writing of any FIP supplements due to her.

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 IN ACCORDANCE WITH DEPARTMENT POLICY:

1. Remove the overissuance at issue from Claimant's record;
2. Issue supplements to Claimant for FIP benefits that were improperly recouped based on the erroneous overissuance finding;

3. Recalculate Claimant's FIP budget to include Claimant's husband as a FIP group member for February 2013 and for March 2013;
4. Issue supplements to Claimant for FIP benefits she was eligible to receive but did not for February 2013 and March 2013; and
5. Notify Claimant in writing of any FIP supplements due to her.



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

Date Signed: July 25, 2013

Date Mailed: July 29, 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/pf

cc:

