

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-49154
Issue Nos.: 2000, 3000
Case No.: [REDACTED]
Hearing Date: June 24, 2013
County: Wayne (82-17)

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

ISSUE

Whether the Department properly denied Claimant's Food Assistance Program (FAP) application and closed her children's Medical Assistance (MA) case.

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 1, 2013, Claimant applied for FAP benefits.
2. The Department denied Claimant's FAP application for failure to provide requested verifications.
3. The Department notified Claimant that her children's MA case under Other Healthy Kids (OHK) would close effective May 1, 2013.
4. On May 20, 2013, Claimant filed a request for hearing concerning 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 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.

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.

Claimant requested a hearing concerning the Department's denial of her April 1, 2013, FAP application and the June 1, 2013, closure of her children's MA cases. At the hearing, the Department testified that the children's MA cases had been reinstated as of June 1, 2013, and Claimant's wife testified that her concerns regarding the children's MA coverage were resolved to her satisfaction. Therefore, the MA hearing request is dismissed.

With respect to Claimant's FAP application, soon after commencement of the hearing, the parties testified that they had reached a settlement concerning the disputed FAP 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) reregister Claimant's April 1, 2013, FAP application; (2) begin reprocessing the application, provided that Claimant provides any requested verifications by the due date; (3) issue supplements to Claimant for any FAP benefits he was eligible to receive but did not from April 1, 2013, ongoing; (4) notify Claimant in writing of its decision; and (5) take each of the preceding steps in accordance with Department policy.

As a result of this settlement, Claimant's wife no longer wished to proceed with the hearing with respect to the FAP issue. 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

With respect to Claimant's request for hearing concerning her children's MA cases, it is ORDERED that this matter is DISMISSED pursuant to Mich Admin Code 400.906(1).

With respect to Claimant's request for hearing concerning her FAP application, 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 WITH RESPECT TO THE FAP ISSUE:

1. Reregister Claimant's April 1, 2013, FAP application;
2. Begin reprocessing the application, provided that Claimant provides any requested verifications by the due date;
3. Issue supplements to Claimant for any FAP benefits he was eligible to receive but did not from April 1, 2013, ongoing;
4. Notify Claimant in writing of its decision; and
5. Take each of the preceding steps in accordance with Department policy.


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

Date Signed: June 25, 2013

Date Mailed: June 25, 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:

[REDACTED]