

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

IN THE MATTER OF:



Reg. No.: 2013-51221
Issue Nos.: 1000, 2000, 3000
Case No.: [REDACTED]
Hearing Date: July 3, 2013
County: Oakland (63-04)

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 3, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Whether the Department properly closed Claimant's Family Independence Program (FIP) and Medical Assistance (MA) cases and reduced his Food Assistance Program (FAP) benefits.

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 March 31, 2013, the Department closed Claimant's FIP case.
2. On unknown dates, the Department closed Claimant's MA case and reduced his FAP benefits.
3. On June 4, 2013, Claimant filed a request for hearing concerning the Department's FIP, FAP and MA 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.

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.

MA and FAP Cases

At the hearing, Claimant testified that his concerns regarding his MA and FAP cases were resolved to his satisfaction, and he did not wish to proceed with a hearing with respect to those cases. Claimant withdrew his request for hearing concerning the MA and FAP cases, and the Department agreed to the dismissal of the hearing request concerning those cases.

FIP Case

During the course of the proceeding, the Department acknowledged that Claimant's FIP case had been closed effective March 31, 2013, for failure to comply with employment-related activities without Claimant being provided any Notice of Case Action or Notice of Noncompliance prior to the case closure. As a result, Claimant was denied the opportunity to participate in a triage to explain any alleged noncompliance. BEM 233A (January 2011), pp. 7-10. The Department also noted that Claimant submitted a written request that his FIP case be closed on May 10, 2013, that resulted in the closure of his case on May 1, 2013. However, at the time, Claimant was not receiving FIP benefits because his case was improperly closed. Claimant credibly explained that he submitted a request for his case to be closed on May 10, 2013, even though he was not receiving

benefits because his worker advised him that he needed to do so in order to have the location of his work participation program changed to an office closer to his residence.

After this testimony was received at the hearing, 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 as of April 1, 2013; and (2) issue supplements to Claimant for FIP benefits he was eligible to receive but did not from April 1, 2013, ongoing. Although it was not expressly agreed upon as a settlement term, because the Department acknowledged that Claimant's FIP case was improperly closed, the order will also provide for the Department's removal of the employment sanction applied to Claimant's FIP case on or about April 1, 2013, and the removal of Claimant's request to close the case entered on May 1, 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

With respect to Claimant's request for hearing concerning his FAP and MA cases, it is ORDERED that, pursuant to Claimant's withdrawal of the hearing request, the Request for Hearing concerning the FAP and MA cases is hereby **DISMISSED**.

With respect to Claimant's request for hearing concerning his FIP case, 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. Reinstate Claimant's FIP case as of April 1, 2013;
2. Remove any FIP employment-related penalty imposed on Claimant's case on or about April 1, 2013;
3. Remove Claimant's request to close his FIP case effective on or about May 1, 2013; and

4. Issue supplements to Claimant for FIP benefits he was eligible to receive but did not from April 1, 2013, ongoing.



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

Date Signed: July 9, 2013

Date Mailed: July 10, 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:

