

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201351748
Issue No.: 2000, 3000
Case No.: [REDACTED]
Hearing Date: July 10, 2013
County: Oakland County (#03)

ADMINISTRATIVE LAW JUDGE: MICHELLE HOWIE

SETTLEMENT ORDER

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's May 29, 2013 request for a hearing. After due notice, a telephone hearing was conducted on Wednesday, July 10, 2013, from Detroit, Michigan. Participants on behalf of Claimant included [REDACTED] (daughter) and [REDACTED] (wife). Participant on behalf of the Department of Human Services (Department) was [REDACTED] (Family Independence Manager).

ISSUE

Whether the Department properly:

- denied Claimant's application for benefits
- closed Claimant's case for benefits
- reduced Claimant's benefits

for:

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

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 May 22, 2013, the Department:

- denied Claimant's application for benefits
- closed Claimant's case for benefits
- reduced Claimant's benefits

under the following program(s):

- FIP
- FAP
- MA
- AMP
- SDA
- CDC
- SER.

2. On May 22, 2013, the Department sent notice to Claimant of the:

- denial
- closure
- reduction.

3. On May 29, 2013, Claimant filed a request for hearing concerning the Department's action.

4. At hearing the parties reached a settlement agreement.

CONCLUSIONS OF LAW

The Department of Human Services (DHS) policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), the Reference Tables Manual (RFT), and the 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 1999 AC, Rule 400.3001 through Rule 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.

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 the closure of FAP benefits and failure to process the application for MA benefits. Shortly after the hearing request, the Department reversed the action. Claimant testified that the Department has since provided the FAP benefits. The

Department representative testified that Claimant was approved for SSI - MA benefits under another case number but his wife's eligibility for MA based on disability has yet to be determined. At the hearing, the parties reached a settlement concerning the processing of the MA application. Consequently, the Department agreed to do the following: Reprocess the wife's April 10, 2013 request for MA benefits; and ensure Claimant's SSI- MA coverage is updated on the system to reflect current coverage.

As a result of this settlement, 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 WITHIN 10 DAYS:

1. Initiate reprocessing of the wife's April 10, 2013 request for MA benefits to include requesting necessary verifications to submit to the Medical Review Team (MRT).
2. The Department shall provide written notice of case action regarding the MA determination in accordance with policy.
3. The Department shall investigate the Claimant's SSI- MA coverage to ensure that current coverage is on the system in accordance with policy, if Claimant is otherwise eligible and qualified.

M. Howie

Michelle Howie
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 7/19/2013

Date Mailed: 7/19/2013

NOTICE: 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.

MH/hw

2013-51748/MH

cc:

