

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

IN THE MATTER OF:



Reg. No.: 2013-52282
Issue Nos.: 2000, 3000
Case No.: [REDACTED]
Hearing Date: July 11, 2013
County: Macomb (50-20)

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 11, 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 Food Assistance Program (FAP) and Medical Assistance (MA) cases.

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Claimant was an ongoing recipient of FAP and MA for herself, her husband and her three children.
2. Claimant submitted a completed FAP and MA redetermination to the Department.
3. Claimant attempted to reschedule her interview date and time after the Department failed to contact her at the scheduled date and time, but an interview was never completed.

4. On May 3, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FAP case was closing effective June 1, 2013, because she had failed to complete her redetermination interview requirement.
5. Claimant called her worker after May 3, 2013, but before June 1, 2013, to schedule an interview but her worker advised her that she had to reapply.
6. On June 5, 2013, the Department sent Claimant a Notice of Case Action advising her that her MA case for herself, her husband and her children would close because she had failed to verify requested information.
7. On June 10, 2013, Claimant filed a request for hearing concerning the closure of her FAP and MA cases.

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.

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 concerning the closure of her FAP and MA cases. Based on the evidence presented at the hearing, the Department acknowledged that it had erred in handling Claimant's redetermination and closing her FAP and MA cases. 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: (1) reinstate Claimant's FAP case effective June 1, 2013, and Claimant's family's MA cases effective July 1, 2013; (2) begin reprocessing Claimant's FAP and MA redetermination in accordance with Department policy to determine Claimant's ongoing FAP and MA eligibility and benefit amount; (3) issue supplements to Claimant for any FAP benefits

she was eligible to receive but did not from June 1, 2013, ongoing; (4) provide MA coverage to Claimant, her husband, and her children that they are eligible to receive, if any, from July 1, 2013, ongoing; and (5) notify Claimant in writing of its decision in accordance with Department policy.


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 FAP case effective June 1, 2013, and Claimant's family's MA cases effective July 1, 2013;
2. Begin reprocessing Claimant's FAP and MA redetermination in accordance with Department policy to determine Claimant's ongoing FAP and MA eligibility and benefit amount;
3. Issue supplements to Claimant for any FAP benefits she was eligible to receive but did not from June 1, 2013, ongoing;
4. Provide MA coverage to Claimant, her husband, and her children that they are eligible to receive, if any, from July 1, 2013, ongoing; and
5. Notify Claimant in writing of its decision in accordance with Department policy.


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

Date Signed: July 15, 2013

Date Mailed: July 16, 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:

