

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

IN THE MATTER OF:

██████████
██████████████████
██████████████████████████████

Reg. No.: 2013-53299
Issue No.: 1000, 3000
Case No.: ██████████
Hearing Date: July 17, 2013
County: Wayne (57)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

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 conducted from Detroit, Michigan on Wednesday, July 17, 2013. Claimant appeared, along with ██████████, and testified. Participating on behalf of the Department of Human Services ("Department") was ██████ ██████, Family Independence Manager.

ISSUE

Whether the Department properly issued a Family Independence Program ("FIP") supplement to Claimant for the period from September 2012 through November 2012.

Whether the Department properly supplemented Claimant for Food Assistance Program ("FAP") benefits for the months of September 2012 through November 2012.

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 is an ongoing FIP and FAP recipient.
2. In August 2012, the Office of Child Support (OCS") erroneously imposed a sanction against Claimant.
3. As a result, Claimant's FIP and FAP benefits were reduced.

4. In February 2013, the Department supplemented Claimant for lost FIP benefits based on the erroneous imposition of the OCS sanction.
5. On June 13, 2013, the Department received Claimant written request for hearing regarding the FIP and FAP supplement.

CONCLUSIONS OF LAW

Department 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 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, Rules 400.3101 through 400.3131. FIP replaced the Aid to Dependent Children program effective October 1, 1996.

The Food Assistance Program (“FAP”), formerly known as the Food Stamp 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. The Department, formerly known as the Family Independence Agency, administers FAP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, Rules 400.3001 through 400.3015.

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, the Department agreed that the imposition of the OCS sanction which resulted in the reduction of FIP and FAP benefits was not proper, stating that the sanction should have never been imposed. Soon after commencement of the hearing, the parties testified that they had reached a settlement concerning the disputed action. Consequently, the Department agreed to supplement Claimant ██████ in ██████ benefits for the period from September 2012 through November 2012; initiate recalculation of Claimant’s FAP benefit for the period from September through November 2012; supplement for lost FAP benefits for the period from September through November 2012 that Claimant was entitled to receive but did not, in accordance with policy; and notify Claimant of the FAP determination in accordance with Department policy.

As a result of this settlement, the Claimant no longer wished 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. Remove the OCS sanction for the months of September, October, and November 2012.
2. Supplement Claimant, as agreed, \$ [REDACTED] for [REDACTED] benefits for the period from September through November 2012.
3. Initiate recalculation of Claimant's FAP benefits for the months of September through November 2012 and notify Claimant of the determination in accordance with Department policy.
4. Supplement for lost FAP benefits that Claimant was entitled to receive, if otherwise eligible and qualified, in accordance with Department policy for the months of September through November 2012.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 18, 2013

Date Mailed: July 22, 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.

CMM/tm

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]