

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-54128
Issue Nos.: 1000, 2000, 3000
Case No.: [REDACTED]
Hearing Date: July 22, 2013
County: Wayne (82-35)

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 22, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED]

ISSUE

Whether the Department properly denied Claimant's Food Assistance Program (FAP), Medical Assistance (MA), and Family Independence Program (FIP) application.

FINDINGS OF FACT

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

1. In May 2013, Claimant applied for FAP, MA and FIP benefits.
2. On June 15, 2013, the Department denied Claimant's application for failure to provide requested verifications.
3. On June 20, 2013, Claimant filed a request for hearing concerning the Department's action.

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.

Additionally, Claimant requested a hearing concerning the Department's denial of her May 2013 FAP, MA and FIP application. At the hearing, the Department acknowledged that it had erred in denying Claimant's application.

FAP and MA Application

At the hearing, the Department testified that the FAP and MA application had been processed and approved. Claimant testified that her concerns regarding her FAP and MA issues were resolved to her satisfaction, and she did not wish to proceed with a hearing with respect to those cases.

FIP Application

With respect to Claimant's FIP application, the Department acknowledged that it had erred in denying the application and testified that it was willing to reprocess Claimant's application. The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24.278(2). Soon after commencement of the hearing, the parties testified that they had reached a settlement concerning the disputed FIP action. Consequently, the Department agreed to do the following: (1) reregister Claimant's May 2013 FIP application effective the date of application; (2) begin

reprocessing the application, applying any of Claimant's attendance in the PATH program from the date of application towards determining Claimant's FIP eligibility; (3) issue supplements to Claimant for any FIP benefits she was eligible to receive but did not from the date of application; (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 no longer wished to proceed with the hearing with respect to the FIP issue. As such, it is unnecessary for this Administrative Law Judge to render a decision regarding the facts and issues in this case.

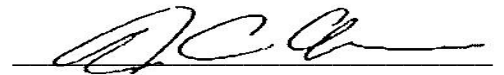
DECISION AND ORDER

With respect to Claimant's request for hearing concerning her MA and FAP application, 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 FIP 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 May 2013 FIP application effective the date of application;
2. Begin reprocessing the application, applying any of Claimant's attendance in the PATH program from the date of application towards determining Claimant's FIP eligibility;
3. Issue supplements to Claimant for any FIP benefits she was eligible to receive but did not from the date of application;
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: July 24, 2013

Date Mailed: July 24, 2013

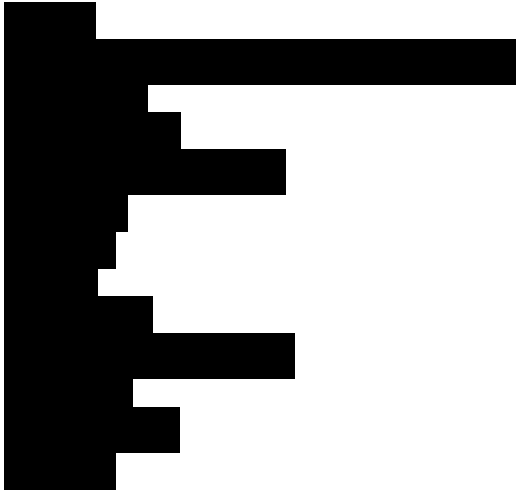
NOTICE: Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. MAHS will not order a rehearing or

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:

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