

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 2013 55890
Issue No.: 2006,6019, 3000
Case No.: ██████████
Hearing Date: July 31, 2013
County: Oakland (02)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 held on July 31, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant and her Authorized Hearing Representative, ██████████. Participants on behalf of the Department of Human Services (Department) included ██████████, Assistance Payments Supervisor, and ██████████ ES.

ISSUE

Did the Department properly deny the Claimant's Child Day Care ("CDC") application dated March 25, 2013?

Did the Department properly deny the Claimant's Medical Assistance ("MA") application dated March 27, 2013?

Did the Claimant file a Food Assistance Application?

FINDINGS OF FACT

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

1. The Claimant applied for Medical Assistance on March 27, 2013.
2. The Claimant's ██████████, applied for CDC benefits on behalf of the Claimant on February 4, 2013. The Department denied the application for CDC

benefits due to the fact that [REDACTED] was not the parent of the children applied for.

3. The Claimant, [REDACTED], applied for CDC on March 25, 2013 and June 26, 2013. The application was denied due to non-cooperation with child support. The Department agreed to reinstate the Claimant's March 25, 2013 CDC application and process the application to determine eligibility.
4. The March 27, 2013 application for MA and the March 25, 2013 application for CDC were denied due to non-cooperation with the Office of Child Support.
5. At the hearing the Department agreed to re-register and process the March 27, 2013 application for Medical Assistance and March 25, 2013 application for CDC.
6. The office of Child Support found the Claimant in non-cooperation and cooperation on the same date. The only reason non-cooperation remained was due to OCS' failure to remove the sanction in a timely manner.
7. The Claimant never applied for FAP benefits under her own name and thus no issue was required to be resolved with regards to Claimant's hearing request to review the Department's action regarding a FAP application as no application was filed.
8. Claimant's [REDACTED], whose case number is different than Claimant's, applied for FAP benefits, and the Department's actions with regard to that case is not the subject of this hearing.
9. On June 24, 2013 the Claimant filed a request for hearing regarding her applications for CDC, FAP and Medical Assistance.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

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 Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001 through R 400.5015.

Additionally, in this case it was established that the Claimant never filed an application for Food Assistance benefits and thus there was no issue to be decided regarding Claimant's hearing request for FAP benefits and the hearing request is accordingly dismissed.

In addition, at the hearing the Department and the Claimant determined to resolve and settle the Claimant's hearing request regarding denial of Claimant's CDC and MA applications.

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. 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: The Department agreed to re-register the Claimant's Medical Assistance Application dated March 27, 2013 and Child Development and Care application dated March 25, 2013 and process the applications to determine eligibility 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.

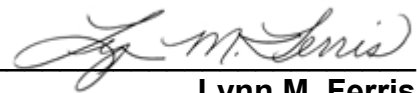
DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Claimant's request for hearing dated June 24, 2013 requesting a hearing regarding her FAP application is DISMISSED as no issue remains to be resolved, as no FAP application was ever filed by the Claimant with the Department.

The Administrative Law Judge concludes that the Department and Claimant have come to a settlement regarding Claimant's request for a hearing regarding CDC and MA applications.

THE DEPARTMENT IS ORDERED TO INITIATE THE FOLLOWING ACTION WITHIN TEN DAYS OF THE MAILING DATE OF THIS ORDER:

1. The Department shall initiate re-registration for the Claimant's March 27, 2013 Medical Assistance application and determine Claimant's eligibility therefor in accordance with Department policy.
2. The Department shall initiate re-registration of the Claimant's March 25, 2013 CDC application and determine Claimant's eligibility therefor in accordance with Department policy.



Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 7, 2013

Date Mailed: August 7, 2013

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

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The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

LMF/cl

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