

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

IN THE MATTER OF:

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

Reg. No.: 2013-57939
Issue No.: 1000; 3000
Case No.: ██████████
Hearing Date: August 14, 2013
County: Wayne (49)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 three-way telephone hearing was held on August 14, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████ Family Independence Specialist. Also, ██████████ was present from the Office of Child Support (OCS).

ISSUES

Did the Department properly close Claimant's Family Independence Program (FIP) case effective August 1, 2013, ongoing, due to her failure to establish paternity and/or obtain child support?

Did the Department properly reduce Claimant's Food Assistance Program (FAP) benefits in the amount of \$367 effective August 1, 2013, ongoing, due to her failure to establish paternity and/or obtain child support?

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 FIP benefits.
2. On March 13, 2013, the OCS sent Claimant the first contact letter. Exhibit 1.

3. On May 15, 2013, the OCS sent Claimant a final contact letter. Exhibit 1.
4. On July 8, 2013, the OCS sent Claimant a Non-Cooperation Notice, which stated Claimant was in non-cooperation as of the notice date due to her failure to cooperate. Exhibit 1.
5. On July 10, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FIP benefits would close effective August 1, 2013, ongoing, due to her non-cooperation with the OCS. Exhibit 1.
6. On July 10, 2013, the Notice of Case Action also notified Claimant that her FAP benefits would be reduced due to her non-cooperation with the OCS. Exhibit 1.
7. On July 12, 2013, Claimant filed a request for hearing concerning the Department's action. Exhibit 1.
8. As of today's hearing, the OCS caseworker back dated Claimant's non-cooperation and Claimant was in compliance with the OCS as of July 8, 2013.

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 Rule 400.3101 through Rule 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 Rule 400.3001 through Rule 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, Claimant requested a hearing to dispute the Department's action. At the hearing, the OCS caseworker back dated Claimant's non-cooperation and Claimant was in compliance with the OCS as of July 8, 2013. 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: begin removing Claimant's non-cooperation status with the Office of Child Support, if any; initiate reinstatement of Claimant's FIP benefits case as of August 1, 2013, ongoing; begin recalculating the FAP and FIP budget for August 1, 2013, ongoing, in accordance with Department policy; begin issuing supplements to Claimant for any FAP and FIP benefits she was eligible to receive but did not from August 1, 2013, ongoing; and begin notifying Claimant in writing of its FAP and FIP 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 INITIATE THE FOLLOWING ACTION WITHIN TEN DAYS OF THE MAILING DATE OF THIS ORDER:

1. Begin removing Claimant's non-cooperation status with the Office of Child Support, if any;
2. Initiate reinstatement of Claimant's FIP benefits case as of August 1, 2013, ongoing;
3. Begin recalculating the FAP and FIP budget for August 1, 2013, ongoing, in accordance with Department policy;
4. Begin issuing supplements to Claimant for any FAP and FIP benefits she was eligible to receive but did not from August 1, 2013, ongoing; and
5. Begin notifying Claimant in writing of its FAP and FIP decision in accordance with Department policy.


Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 21, 2013

Date Mailed: August 21, 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.

EJF/cl

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