

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████  
Claimant

Reg. No. 2008-30289  
Issue No. 1013  
Case No. ██████████  
Load No. ██████████  
Hearing Date:  
October 6, 2008  
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on October 6, 2008. The Claimant personally appeared and testified.

ISSUE

Did the Department properly move to close the Claimant's Family Independence Program (FIP) benefits?

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 was a FIP recipient.
2. On ██████████, the Department sent the Claimant an appointment notice for Jobs, Education and Training (JET). (Department Exhibit 2).

3. On [REDACTED], the Department sent the Claimant a notice of noncompliance with JET. (Department Exhibit 5).

4. On [REDACTED], the Department scheduled a triage to discuss the Claimant's JET noncompliance. The Claimant did not attend.

5. On [REDACTED], the Claimant filed a request for a hearing.

6. At the hearing the parties reached an agreement to a settlement.

#### CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, et seq. The Department of Human Services (formerly known as the Family Independence Agency) administers the FIP program pursuant to MCL 400.10, et seq., and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

In the instant case, the Claimant evidenced a barrier to her performance at Jobs, Education and Training (JET) due to lack of child care and medical needs. The Claimant testified that she informed JET personnel of these barriers.

The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24. 278(2). In the instant case, the parties reached an accord. The Department agreed to retroactively reopen the Claimant's FIP, address the child care and medical needs issues and re-refer the Claimant to JET when appropriate.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, REVERSES and ORDERS the Department to retroactively reopen the Claimant's FAP, address the child care and medical needs issues and re-refer the Claimant to JET when appropriate.

/s/ \_\_\_\_\_  
Michael J. Bennane  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: \_\_\_\_\_

Date Mailed: \_\_\_\_\_

**NOTICE:** Administrative Hearings 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. Administrative Hearings 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.

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.

MJB

cc:

[REDACTED]