

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Claimant

Reg. No. 2009-31283

Issue No. 1000

Case No. [REDACTED]

Load No. [REDACTED]

Hearing Date:

September 29, 2009

Cass County DHS

ADMINISTRATIVE LAW JUDGE: Colleen Lack

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400. 9; MCL 400.37 upon Claimant's request for a hearing. After due notice a telephone hearing was held on September 29, 2009 and Claimant was represented by [REDACTED] Tom Ayers, FIM, Walter Fredricks, FIS case manager, and June Phillips-Nemeth, Career Developer JET Program, appeared on behalf of the Department.

ISSUE

Did the Department properly close Claimant's Family Independence Program ("FIP") benefits case for noncompliance with the Work First/Jobs Education and Training ("JET") program?

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 FIP benefits.
2. Claimant was referred to the Work First/JET Program and attended orientation on July 13, 2009.
3. The JET program requested that Claimant have her employer complete an employment verification form.
4. The parties disagree as to when Claimant was to return the needed employment verification form.
5. On July 15, 2009, the Department issued a Notice of Case Action indicating Claimant's FIP benefits would close August 1, 2009.
6. The Department did not schedule a triage meeting within the negative action period to discuss noncompliance with the JET program and good cause.
7. Claimant requested a hearing contesting the closure on July 27, 2009.
8. Prior to the date of the hearing, Claimant's benefits were re-opened pending the hearing outcome and there are no periods of missed benefits at issue.
9. At the hearing, the Department agreed that Claimant's FIP case would remain open without penalty and that Claimant would be referred back to the JET program.
10. As a result of this agreement, Claimant indicated that she no longer wished to proceed with the hearing.

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 (DHS or Department) administers the FIP

program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependant Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference manuals.

Under Bridges Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The agency provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the agency receives a hearing request and continues through the day of the hearing.

In the present case, Claimant is contesting the closure of her FIP benefits for noncompliance with Work First/JET. However, a triage meeting to discuss noncompliance and good cause was not scheduled within the negative action period as required by BEM 233A. At the hearing, the Department agreed that Claimant's FIP case would remain open, without penalty, and that Claimant would be referred back to the JET program. As a result of this agreement, Claimant indicated she no longer wished to proceed with the hearing. Since the Claimant and the Department have come to an agreement, it is unnecessary for this Administrative Law Judge to make 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, decides that the Department and Claimant have come to a settlement regarding Claimant's request for a hearing.

Therefore it is ORDERED that the Claimant's FIP shall case remain open without penalty and that the Department refer Claimant back to the JET program in accordance with this settlement agreement.

/s/

Colleen Lack
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 30, 2009

Date Mailed: September 30, 2009

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.

CL/cv

cc:

