

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: 2009-1288
Issue No: 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 22, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Linda Steadley Schwarb

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on January 22, 2009. Claimant appeared at the hearing with her authorized representative, [REDACTED].

ISSUE

Did the Department of Human Services (DHS or department) properly terminate claimant's Family Independence Program (FIP) case?

FINDINGS OF FACT

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

- (1) On May 13, 2008, the department closed claimant's FIP case.
- (2) On June 24, 2008, claimant reapplied for program benefits.

(3) Thereafter, the department opened Medical Assistance (MA) for claimant effective June 1, 2008 and opened FIP benefits for claimant effective July 16, 2008.

(4) Claimant experienced no loss of MA or Food Assistance Program benefits.

(5) Claimant lost FIP benefits for June of 2008 and the first half of July of 2008.

(6) At the hearing, the parties reached an accord. The department agreed to supplement claimant for lost FIP benefits for June of 2008 and the first half of July of 2008.

(7) Claimant and her authorized representative indicated satisfaction with the department's plan of action.

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 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).

The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24.278(2). In this case, the parties reached an accord. The department agreed to supplement claimant for lost FIP benefits for June of 2008 and the first half of July of 2008. Claimant and her authorized representative indicated satisfaction with the department's plan of action.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services shall supplement claimant for lost Family Independence Program benefits for June of 2008 and the first half of July of 2008.

/s/ _____
Linda Steadley Schwarb
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: February 10, 2009

Date Mailed: February 12, 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 mailing 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.

LSS/vmc

cc:

