

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.: 2009-25333
Issue No.: 1000, 3000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
July 20, 2009
Oakland County DHS (4)

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 July 20, 2009 and claimant was not represented.

ISSUE

Did the Department properly close Claimant's Family Independence Program ("FIP") and Food Assistance Program ("FAP") benefits case for non-compliance 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 a recipient of FIP and FAP benefits while participating in the Work First/JET Program.

2. On May 8, 2009, the Department issued a Notice of Noncompliance indicating a triage appointment was scheduled for May 22, 2009. (Exhibit 1 p. 1)
3. On May 20, 2009 the Department closed Claimant's FIP and FAP benefits. (Exhibit 1 p. 9)
4. On May 22, 2009 Claimant attended the triage meeting and signed the First Noncompliance Letter agreeing to participate in Work First/JET with a start date of May 26, 2009. (Exhibit 1 p. 3)
5. The Department testified that Claimant was to complete a compliancy test, i.e. attending Work First/JET for 40 hours in a one week period. The due date listed on the First Noncompliance Letter was May 26, 2009. (Exhibit 1 p. 3)
6. Claimant requested a hearing contesting the closure on June 2, 2009.
7. At the hearing the Department agreed to reinstate her case retroactive to the closure date.
8. 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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference manual (PRM).

The Food Assistance Program, 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 of Human Services (“DHS”), formally known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Program Administrative Manual (“PAM”), the Program Eligibility Manual (“PEM”), and the Program Reference Manual (“PRM”).

Under Program 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 and FAP benefits for noncompliance with Work First/JET. At the hearing the department agreed to reinstate Claimants case retroactive to the closure date. 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 department reinstate Claimant's FIP and FAP cases retroactive to the closure date of May 20, 2009 in accordance with this settlement agreement.

/s/

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

Date Signed: 08/26/09

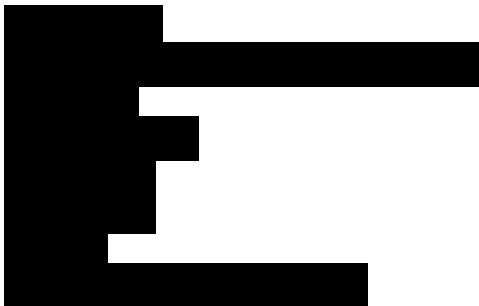
Date Mailed: 08/27/09

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 60 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/jlg

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