

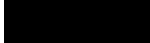
STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Claimant

Reg. No. 2009-33152
Issue No. 1000
Load No. 
Hearing Date:
October 7, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Rhonda Craig

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 conducted in-person on October 7, 2009. Claimant and claimant's representative appeared.

ISSUE

Did the department properly fail to reinstate 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. Claimant was a FIP recipient.
2. Claimant requested a hearing regarding the department's failure to follow an Administrative Law Judge's order to reinstate FIP benefits retroactive to January 2009.

3. At the hearing, the department agreed to reinstate claimant's FIP retroactive to January 2009.
4. As a result of the agreement, claimant indicated that she no longer wished to proceed with a 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 (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).

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, the department has agreed to reopen claimant's FIP case retroactive to January 2009. 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 findings of fact and conclusions of law, finds that the department and claimant have come to a settlement regarding claimant's request for a hearing. Therefore, it is ORDERED that the department reopen claimant's FIP case retroactive to January 2009 in accordance with this settlement agreement.


Rhonda Craig
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 12/07/09

Date Mailed: 12/11/09

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 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.

RC/dj

cc:

