

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: 2010-15228
Issue No: 1000
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 4, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for hearing submitted on October 7, 2009. After due notice, a telephone hearing was conducted in Wayne County, Michigan on March 4, 2010. The Claimant was present and testified. David Kernick, FIM and Teresa Dawson, Jet Worker appeared on behalf of the Department.

ISSUE

Whether the Department properly closed the Claimant's Family Independence Program ("FIP") and Food Assistance Program ("FAP") 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 an active FIP and FAP recipient.
2. The Claimant was sent a Notice of Case Action and the Claimant's case was improperly closed in the Bridges System on December 31, 2009 because the Bridges system deemed the Claimant non compliant with JET. Exhibit 1.

3. The Claimant was never sent notice of her appointment to attend JET, and thus, never received any notification requiring her to participate in the JET Program.
4. The Claimant was not in non compliance with the JET program requirements.
5. The Department sought to reinstate the Claimant's benefits but was denied by the Bridges System which registered a Data Integrity Error.
6. The Department sought to fix the Bridges error and requested a system fix be performed in the Lansing office which had not been completed by the time of the hearing.
7. At the hearing, the Department agreed that the Claimant's benefits had been terminated in error and agreed to perform a Manual Issuance reinstating the Claimant's FIP and FAP benefits retroactively to the date of closure, December 31, 2009. Exhibit 2.
8. The Claimant timely requested a Hearing disagreeing with the Department's termination of her benefits on December 28, 2009.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (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 (formerly known as the Family Independence Agency) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Table (RFT).

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 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, the Department admitted that the Claimant's FIP and FAP benefits were terminated by Bridges in error and has agreed to process a Manual Issuance reinstating the Claimant's FIP and FAP retroactive to December 31, 2009. The Claimant indicated that this was acceptable and that 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.

Accordingly, it is ORDERED:

1. The Department shall process a Manual Issuance for the Claimant's FIP and FAP benefits retroactive to December 31, 2009.

2. Because the Department admitted that the Claimant's case was improperly closed in error, the Department shall delete the negative action issued on December 17, 2009 with regard to the Claimant's alleged non compliance with the Jet Program.



Lynn M. Ferris
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 03/24/10

Date Mailed: 03/26/10

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.

LMF/dj

cc:

