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:　201027364
Issue No:　1000
Case No:
Load No:
Hearing Date:
May 27, 2010
Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 May 27, 2010.

ISSUE

Did the Department correctly close claimant's 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)　　Claimant was a FIP recipient.

(2)　　Claimant's FIP case was closed for failing to comply with work-related activities.

(3)　　Claimant was not given a triage.

(4)　　At the hearing, the department agreed to reinstate claimant's FIP case.

(5)　　As a result of this agreement claimant indicated that she no longer wished to proceed with the hearing.

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<u>CONCLUSIONS OF LAW</u>

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual

(BEM) and the Bridges Reference Manual (BRM).

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 has agreed to reinstate claimant's FIP case retroactive

to the date of negative action and issue supplemental benefits. The Department may, if it so

wishes, conduct a triage to investigate the cause of claimant's alleged failure to attend JET. If

the Department holds this triage, and finds claimant noncompliant, claimant may appeal this

decision and subsequent proposed penalties. In return, the claimant has agreed to drop her

request for the current 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 the claimant have reached a settlement regarding the disposition of this case.

Accordingly, the Department's decision in the matter is, hereby, REVERSED.

The Department is ORDERED to reinstate claimant's FIP benefits retroactive to the date of negative action, February 1, 2010.

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Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 06/15/10

Date Mailed: 06/18/10

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.

RJC/dj

cc: