

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES


IN THE MATTER OF:



Reg. No.: 201040944
Issue No.: 1000
Case No.:
Load No.:
Hearing Date: July 26, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne VanderHeide

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. After due notice, a telephone hearing was conducted from Detroit, Michigan on July 26, 2009. The Claimant was present and testified. , ES appeared on behalf of the Department.

ISSUE

Whether the Department properly denied Claimant Family Independence Program ("FIP") benefits for her 4/1/10 and 5/28/10 applications?

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 applied for FIP benefits on 4/1/10.
2. The Department sent Claimant a verification request regarding Claimant's daughter's citizenship.
3. Claimant testified that she submitted the verifications timely.
4. Subsequently, Claimant's 4/1/10 FIP application was denied.
5. Claimant applied for FIP benefits again on 5/28/10.

6. On May 28, 2010, the Department gave Claimant notice that she would have to appear at JET orientation on 6/11/10.
7. On June 11, 2010, Claimant experienced a gall bladder attack. Claimant was admitted to the hospital the next day, 6/12/10, underwent gall bladder surgery and remained in the hospital until she was discharged on 6/17/10.
8. The Department denied Claimant's 5/28/10 FIP application on 6/21/10 due to failure to comply with attending JET orientation.
9. Claimant filed a request for a hearing regarding both FIP applications on 6/18/10.
10. At the hearing, the Department agreed to reopen Claimant's 4/1/10 FIP application and supplement Claimant with any benefits to which she was otherwise entitled from the date of application forward.
11. As a result of this agreement, Claimant indicated that she no longer wished to proceed with the full 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables (RFT).

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 4/1/10 FIP application and supplement Claimant with any lost benefits that she was otherwise eligible to receive in accordance with department policy from the date of application through the present. 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

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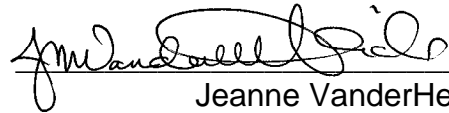
to an agreement it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

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

1. The Department shall reopen Claimant's 4/1/10 FIP application as of the date of closure.
2. The Department shall delete any negative action associated with the closure of the 4/1/10 and 5/28/10 FIP applications.
3. The Department shall supplement Claimant with any benefits that she was otherwise entitled to receive from the date of 4/1/10 application through the present.

/s/



Jeanne VanderHeide
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: July 29, 2010

Date Mailed: July 29, 2010

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.

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