

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2010-44476
Issue No.: 1038
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: August 19, 2010
Oakland County DHS (4)

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 a hearing. After due notice, a telephone hearing was held on August 19, 2010. The claimant appeared and testified. [REDACTED], FIM appeared on behalf of the Department.

ISSUE

Whether the Department properly closed the Claimant's Family Independence Program ("FIP") for non compliance with Work First Program Requirements?

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 an active FIP recipient.
2. The Claimant was sent a Notice of Case Action and the Claimant's case was closed June 30, 2010 for failure to return a medical information packet as required by a Work First Triage held 4/1/10 and for her failure to attend the the Work First Program. Exhibit 1.
3. The Claimant returned the Medical Packet and information requested of her but the paperwork was lost by the Department.
4. The Department imposed a three month sanction effective July 1, 2010 as a result of the Claimant's alleged non compliance with the Work First triage requirements.

5. The Claimant was not in non compliance with the Work First program requirements.
6. At the hearing, the Department agreed that the Claimant's benefits had been terminated in error and agreed to reinstate the Claimant's FIP benefits retroactive to July 1, 2010 and to issue a supplement for FIP benefits the Claimant was otherwise entitled to receive.
7. The Department also agreed to delete and remove the Claimant's 3 month sanction for non Compliance with the Work First Program.
8. The Claimant also agreed to complete and resubmit the medical information packet to the Department for review by the Medical Review Team (MRT) to determine if she is required to attend Work First.
9. The Claimant timely requested a Hearing disagreeing with the Department's termination of her FIP benefits on July 12, 2010.
10. As a result of this agreement, Claimant indicated that she no longer wished to proceed with the remainder of 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 (formerly known as the Family Independence Agency) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R400.3101-3131. 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 agreed that the matter should be resolved and that the Claimant should be taken at her word that she submitted the original Medical Information packet and therefore agreed to reinstate the Claimant's FIP cash benefits

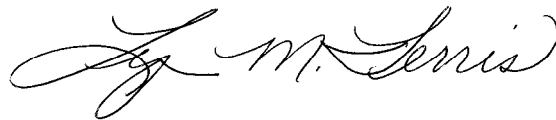
retroactive to the date of closure, July 1, 2010 and to remove the 3 month non compliance sanction imposed by the Department on the Claimant. The Claimant indicated that this was acceptable and that she no longer wished to proceed with the hearing. Since the Claimant and the Department have come to an 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 above 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 reinstatement of the Claimant's FIP cash assistance benefits retroactive to July 1, 2010, the date of closure.
2. The Department shall issue a FIP supplement to the Claimant for benefits she was otherwise entitled to receive.
3. The Claimant agrees to submit a Medical Review Packet to the Department for MRT review to determine the Claimant's suitability to attend the Work First program.
4. Because the Department admitted that the Claimant's case was improperly closed in error, the Department shall delete the negative action it issued with regard to the Claimant's alleged non compliance with the Jet Program and the 3 month sanction it imposed.



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

Date Signed: 8/19/2010

Date Mailed: 8/19/2010

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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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