

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.: 2010-53651
Issue No.: 1038
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 6, 2010
Macomb County DHS (20)

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 October 6, 2010. The claimant appeared and testified. [REDACTED], Jet Case Manager 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. The claimant filed an application for the FIP cash assistance on June 25, 2010.
2. The claimant was assigned to WorkFirst and an appointment notice dated July 6, 2010 was sent out by the Department. The Claimant could not attend because the notice was received July 12, 2010.
3. The claimant was then reassigned to attend WorkFirst but was given the wrong address and her cash he cash assistance case closed.
4. At the hearing the department acknowledged that it had made an error and sent the claimant to the wrong address for the WorkFirst program.

5. The department indicated it would reopen the claimant's cash assistance case if she attended the WorkFirst program orientation on September 13, 2010. During the same time the claimant received notice that her cash assistance case had been closed so she did not attend the WorkFirst orientation.
6. At the hearing the department agreed to own reopen and reinstate the claimant's application retroactive to June 25, 2010. The department agreed that if the claimant attended the WorkFirst orientation appointment which she would be given at the end of the hearing, that the department agreed to reinstate her cash assistance and she would receive benefits by way of supplement for the month of July and August.
7. The August cash assistance would be computed on the basis that the claimant had no earned income. The budget for the September cash assistance will be calculated based upon the claimant's part-time earned income from employment which she began on September 8, 2010.
8. The claimant filed a request for hearing on September 2, 2010 protesting the denial of her FIP cash assistance application. The hearing request was received by the department on September 2 2010.
9. Based upon these agreements the claimant indicated that she no longer wished to proceed with 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 this case the department acknowledged that several errors had occurred through the bridges system which prohibited the claimant's case from being reinstated and that an error had been made with regard to providing an improper address for a work first orientation address. Given this situation the department agreed to reinstate the claimant's cash assistance application retroactive to June 25, 2010.

The department's agreements are conditioned on the claimant's agreement to attend the next work first orientation which she is assigned to attend. A notice of an appointment to attend WorkFirst will be given to the Claimant at the conclusion of the hearing. The department agreed that upon the claimant's attending WorkFirst the claimant would be eligible for cash assistance for the second half of July 2010 and for August 2010. The August 2010 budget would be computed based upon the claimant's receiving no income. The department agreed to calculate a new budget for September 2010 based upon the claimant's part-time earnings from employment which she began on September 8, 2010.

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 and therefore it is unnecessary to render a decision.

Accordingly it is ORDERED:

1. The department shall reinstate the claimant's FIP application retroactive to June 25, 2010.
2. The claimant agrees that the department shall not be required to provide cash assistance unless the claimant attends the WorkFirst orientation at the appointed time for next week based upon the Appointment Notice which the department agreed to provide the claimant at the end of the hearing.
3. Once the claimant has attended the WorkFirst orientation the department shall issue a supplement for cash assistance for the second half of July 2010 and the month of August 2010. The August 2010 cash assistance budget shall be computed based upon the claimant having no income

4. The department shall also compute a cash assistance budget for September 2010. This budget shall be based upon the claimant's income received from her part-time employment which she began September 8, 2010.



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

Date Signed: 10/07/2010

Date Mailed: 10/07/2010

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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