

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.: 2010-55920
Issue No.: 1000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: December 8, 2010
DHS County: Wayne (55)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37, and Claimant [REDACTED] request for a hearing. After due notice, a telephone hearing was held on December 8, 2010. Claimant appeared and testified. [REDACTED] appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether Claimant is entitled to a Family Independence Program (FIP) payment for August 16-31, 2010?

FINDINGS OF FACT

The Administrative Law Judge, based on competent, material, and substantial evidence in the record and on the entire record as a whole, finds as fact:

1. On June 28, 2010, Claimant applied for FIP benefits.
2. On July 16, 2010, DHS approved Claimant for FIP benefits and began issuing assistance to her.
3. For the period of August 16-31, 2010, Claimant did not receive FIP benefits.
4. On August 19, 2010, Claimant filed a notice of hearing request with DHS.
5. At the hearing on December 8, 2010, DHS agreed to check on whether Claimant's benefits were issued and, if not, DHS agreed to reissue her FIP benefits.

6. As a result of DHS' agreement to correct the error, Claimant indicated at the hearing that she no longer wished to continue the administrative hearing process.

CONCLUSIONS OF LAW

FIP was established by the U.S. Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601 *et seq.* DHS administers the FIP program pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code Rules 400.3101-400.3131. DHS' policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables (RFT). These manuals are available online at www.michigan.gov/dhs-manuals.

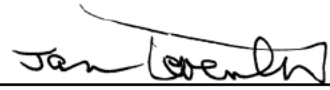
Under BAM Item 600, clients have the right to contest any DHS decision affecting eligibility or benefit levels whenever they believe the decision is illegal. DHS provides an Administrative Hearing to review the decision and determine if it is appropriate. DHS policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when DHS receives a hearing request and continue through the day of the hearing.

At the hearing, the parties agreed to settle and resolve the situation with the remedy that DHS will check to confirm that Claimant's FIP benefits were not issued as required, and, if not, DHS will correct the error and reissue FIP benefits to Claimant for August 16-31, 2010. As the parties have reached a settlement agreement, it is not necessary for the Administrative Law Judge to adjudicate any issues presented. Therefore, I order that DHS shall investigate and, if necessary, reissue Claimant's FIP benefits for August 16-31, 2010. Pursuant to the stipulated settlement agreement of the parties to this effect, IT IS SO ORDERED.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, states that in this case, the parties have reached a stipulated agreement to resolve the case. Pursuant to the agreement of the parties, IT IS HEREBY ORDERED that DHS shall investigate whether Claimant's FIP benefits were issued for August 16-31, 2010, and, if they were not, DHS will reissue Claimant's benefits.

IT IS SO ORDERED.



Jan Leventer
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: December 13, 2010

Date Mailed: December 14, 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.

JL/pf

cc:

