

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Claimant

Reg No: 20106209
Issue No: 1005,6000,
6019

Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 22, 2010
Wayne County DHS (55)

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 hearing. After due notice, a telephone hearing was conducted by the undersigned in Detroit, Michigan on April 22, 2010. The Claimant was present and testified. Tanisha Carter, FIM, and Francine Harrison, Caseworker appeared on behalf of the Department.

ISSUE

Whether the Department properly closed the Claimant's Family Independence Program case (Cash Assistance) and Child Development and Care (CDC) case for failure to report work income within 30 days.?

FINDINGS OF FACT

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

1. Claimant was a Family Independence Program (FIP), Child Development and Care (CDC) and Food Assistance Program (FAP) recipient.
2. In September 2009, the Claimant applied for CDC benefits and the application was denied September 13, 2009.
3. The Claimant reported to her worker that she was working in June 2009 and provided check stubs. The Claimant again advised her worker she was working when she applied for CDC in September 2009.
4. The Claimant's FIP benefits were closed on December 1, 2009. Exhibit 1.
5. The Department issued a Notice of Case Action on October 24, 2009. Exhibit 4.
6. The Claimant CDC benefits were denied on or about September 13, 2009.
7. As a result of the hearing, the Department and the Claimant reached a settlement.
8. At the hearing, the Department agreed to reopen and reinstate the Claimant's FIP and CDC cases retroactive to the date of closure; re-determine Claimant's eligibility for those benefits from that date; and supplement the Claimant's benefits for those benefits she was otherwise entitled to receive, if any, during the period her case was closed to the date of the hearing.
9. 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

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 Program Reference Manual (PRM).

The Child Development and Care program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department of Human Services (formerly known as the Family Independence Agency) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Program Reference Manual (PRM).

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 reopen the Claimant's FIP and CDC cases retroactive to the date of their closure and denial respectively; and supplement the Claimant's FIP and CDC benefits retroactive to the date of closure and denial. The Department agreed to rerun the budgets for both FIP and CDC to determine the Claimant's eligibility for the months her benefits were closed and supplement the benefits, if required, based on the rerun

budgets. The budgets will include the claimant's employment income for the months since closure.

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 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.

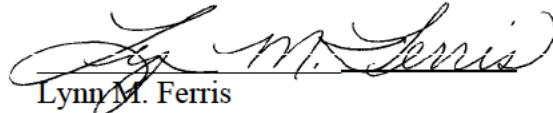
Accordingly, it is ORDERED:

The Department shall reopen and reinstate the Claimant's FIP which was closed on December 1, 2009 and shall retroactively supplement the Claimant's FIP benefits she was otherwise entitled to receive, if any, for the period her cases were closed.

The Department will run new FIP budgets based on employment income numbers in its system, and the Claimant's FIP benefit entitlement, if any, will be based on the budget as rerun by the Department.

The Department shall reopen and reinstate the Claimant's CDC application retroactive to the date of application, September 13, 2009, and shall determine the Claimant's eligibility for CDC benefits. If the Claimant is determined to be eligible for CDC benefits, the Department will supplement the Claimant for benefits she was otherwise entitled to receive, if any, retroactive to September 13, 2009.

The Department will run new budgets, based on employment income numbers, in its system; and the Claimant's CDC benefit entitlement, if any, will be based on the budget as rerun by the Department.



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

Date Signed: 05/25/10

Date Mailed: 05/26/10

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.

LMF/dj

cc:

