

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.: 2010-17079
Issue No.: 1038
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
May 24, 2010
Wayne County DHS (76)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) Sections 400.9 and 400.37, and Claimant's request for a hearing. After due notice, a telephone hearing was held on May 24, 2010. Claimant testified by telephone from her home. The Department of Human Services (DHS) was represented by [REDACTED]. [REDACTED] testified from a DHS office in Detroit.

ISSUE

Did DHS properly find Claimant to be out of compliance with the requirements of the Work First Program on August 19, 2009?

FINDINGS OF FACT

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

1. Claimant was a recipient of Family Independence Program (FIP) benefits in 2009.
2. Claimant was not found to be in compliance with the Work First Program on March 23, 2009, and did not incur a noncompliance penalty.

3. Claimant was charged with noncompliance for failure to participate in Work First on August 19, 2009. There is no documentation of her absence from Work First on August 19, 2009, in the record.
4. A triage was scheduled for January 21, 2010.
5. A triage was conducted during which there was no good cause found and a 90-day sanction was imposed upon Claimant.
6. The Work First representative did not appear at the hearing to give testimony.
7. Claimant filed a hearing request on January 21, 2010.
8. At the hearing, DHS agreed to revoke and rescind the Triage Outcome penalty of January 21, 2010; to accept from Claimant medical documentation of her surgery and convalescence; to accept from Claimant a printout of Claimant's enrollment at [REDACTED], and to forward the educational information to Work First for possible approval. Claimant agreed to mail the [REDACTED] enrollment papers to DHS. DHS agreed to mail medical privacy waiver and medical verification documents to Claimant to send to her surgeon, [REDACTED].
9. DHS agreed to continue claimant's FIP benefits.
10. As a result of this agreement, 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 United States Code Sec. 601 *et seq.* DHS administers FIP pursuant to MCL 400.10 *et seq.*, and Michigan Administrative Code Rules 400.3101-3131. DHS' FIP policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT). These manuals can be found online at www.mich.gov.

Under BAM Item 600, claimants 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 claimant's concerns start when DHS receives a hearing request and continue through the day of the hearing.

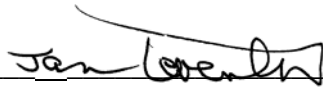
DHS has agreed not to charge Claimant with a violation of the Work First Program on August 19, 2009. As a result of this agreement, Claimant indicated she no longer wished to proceed with the hearing. Since Claimant and DHS have come to an agreement, it is unnecessary for this Administrative Law Judge 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, decides that DHS and Claimant have reached an agreement that DHS will revoke and rescind the January 21, 2010, violation penalty, DHS will accept from Claimant her education verification from [REDACTED] and refer the information to Work First for possible

approval, and DHS will send Claimant medical privacy and verification documents for her to sign and forward to her surgeon, [REDACTED], for verification of her treatment and convalescence. It is further agreed and ORDERED that Claimant's FIP benefits are continued.

In light of the above settlement this case is DISMISSED.



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

Date Signed: June 1, 2010

Date Mailed: June 3, 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:

[REDACTED]