

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.: 2010-20272
Issue No.: 1000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
April 14, 2010
Wayne County DHS (43)

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 hearing was held on April 14, 2010. Claimant appeared and testified. [REDACTED]

[REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Did DHS properly terminate Claimant's Family Independence Program (FIP) benefits for failure to comply with the Work First program?

FINDINGS OF FACT

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

1. Claimant is a recipient of FIP benefits and participated in the Work First program.

2. On November 30, 2009, the Work First Program alleged Claimant was not compliant with the program causing DHS to issue a Notice of Noncompliance to Claimant on December 10, 2009.
3. On December 14, 2009, a triage conference was held during which Claimant agreed she was noncompliant without good cause and signed a First Noncompliance Letter.
4. Claimant did not return to the Work First program on December 15, 2009, as directed, because she was employed.
5. On February 3, 2010, Claimant received a notice that her FIP benefits would be terminated effective February 9, 2010.
6. On February 3, 2010, Claimant filed a request for a hearing with DHS.
7. The parties discussed the matter before the hearing and reached a settlement agreement.
8. As a result of this agreement, DHS and Claimant indicated to the Administrative Law Judge that it was not necessary to proceed with the hearing.

CONCLUSIONS OF LAW

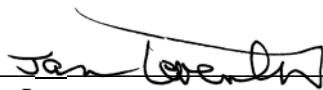
FIP was established by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 United States Code Sec. 601 *et seq.* DHS administers FIP pursuant to MCL 400.10 *et seq.*, and Michigan Administrative Code Rules 400.3101-3131. DHS' FIP policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT). These manuals are available online at www.mich.gov.

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 continues through the day of the hearing.

In the present case DHS has agreed to reinstate Claimant's FIP benefits retroactively to February 9, 2010, place her in a Work First program, and continue her FIP benefits in accordance with DHS policies and procedures. Since Claimant and DHS have come to an agreement, it is unnecessary for the 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, affirms the settlement agreement between DHS and Claimant. It is Ordered that DHS shall reopen Claimant's FIP case retroactive to February 9, 2010, reinstate and supplement Claimant's benefits retroactive to that date, and permit her to participate in the Work First program.



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

Date Signed: April 14, 2010

Date Mailed: April 15, 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:

