

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 22457
Issue Nos: 1005
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 13, 2010
Wayne County DHS

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 May 13, 2010. The Claimant was present and testified. Katrina Gillespie, ES appeared on behalf of the Department.

ISSUE

Whether the Department properly closed the Claimant's Family Independence Program Benefits ("FIP") (Cash)?

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 FIP cash assistance recipient and currently receives FIP cash assistance in the amount of \$403 monthly.

2. The Claimant was required to provide the Department various information, no later than January 4, 2010.
3. The Claimant provided all of the requested information to the Department in a timely manner, but her FIP Cash assistance was cut off and her case was closed in January 2010.
4. The Claimant's FIP cash assistance was resumed the second part of February 2010.
5. At the hearing, the Department agreed to reopen and reinstate the Claimant's FIP case retroactive to January 1, 2010 and supplement the claimant's FIP benefits for January 2010 and the first half of February 2010. The total FIP supplement is \$403 for January and \$201.50 for the period in February for a total of \$604.50.
6. 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).

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 reinstate the Claimant's FIP case retroactive to January 1, 2010 and to supplement the Claimant's FIP benefits for the months of January and February 2010 in the amount of \$604.50 total.

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.

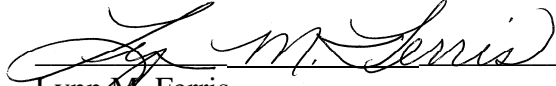
DECISION AND ORDER

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:

1. The Department shall reopen and reinstate the Claimant's FIP case retroactive to January 1, 2010 and shall retroactively supplement the Claimant's FIP benefits she was otherwise entitled to receive for the months of January and February 2010 as follows: The Department shall supplement the Claimant's FIP benefits in the amount

of \$403 for the month of January 2010 and \$201.50 for the first half of February, 2010.


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

Date Signed: 06/11/10

Date Mailed: 06/11/10

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:

