

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: 201022561
Issue No: 1005;3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 19, 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 submitted on February 4, 2010. After due notice, a telephone hearing was conducted in Wayne County, Michigan on May 19, 2010. The Claimant was present and testified. Monica Hughes, ES appeared on behalf of the Department.

ISSUE

Whether the Department properly closed the Claimant's Family Independence Program ("FIP") and Food Assistance Program ("FAP") benefits?

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 an active FIP and FAP recipient.

2. The Claimant was sent a Notice of Case Action, and the Claimant's case was improperly closed in the Bridges System on December 31, 2009 because the Bridges system deemed the Claimant non compliant with JET. Exhibit 1.
3. The Claimant was never sent notice of her appointment to attend JET and thus never received any notification requiring her to participate in the JET Program.
4. The Claimant was not in non compliance with the JET program requirements.
5. The Department sought to reinstate the Claimant's benefits but was denied by the Bridges System which registered a Data Integrity Error.
6. The Department sought to fix the Bridges error and requested a system fix be performed in the Lansing office, which had not been completed by the time of the hearing.
7. At the hearing, the Department agreed that the Claimant's benefits had been terminated in error and agreed to perform a Manual Issuance reinstating the Claimant's FIP and FAP benefits retroactively to the date of closure, December 31, 2009. Exhibit 2.
8. The Claimant timely requested a hearing disagreeing with the Department's termination of her benefits on December 28, 2009.
9. At the hearing, the Department agreed to reopen the Claimant's FIP and FAP cases retroactive to the date of closure, December 31, 2009, and agreed to allow the Claimant additional time to submit remaining pay stubs and expense receipts, if any, for October and December 2009 for her husband, [REDACTED] within 10 days.

10. The Department further agreed to re-compute the budgets for the Claimant's FIP and FAP benefits to determine eligibility and to supplement the Claimant's FIP and FAP benefits retroactive to the date of closure, December 31, 2009 if the claimant is eligible.
11. As a result of this agreement, the Claimant indicated that she no longer wished to proceed with the hearing.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Table (RFT).

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the 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 Claimant submitted all the available income information available to her at the time and obviously made a good faith and reasonable effort to comply with the requested verification request by the Department. Under these circumstances, the Claimant should have been afforded additional time and assistance, particularly in light of her language limitations. BAM 130 page 3 Consequently, the Department has agreed to reinstate the Claimant's FIP and FAP cases retroactive to the date of closure, December 31, 2009 and to supplement the Claimant for benefits she might have been otherwise eligible. The Claimant has also agreed to submit any remaining income verifications to the Department within 10 days. The Claimant indicated that this was acceptable and that 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.

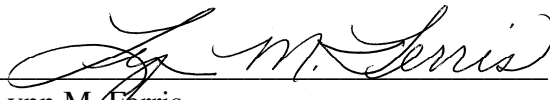
DECISION AND ORDER

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 reinstate the Claimant's FIP and FAP cases retroactive to the date of closure, December 31, 2009.

2. The Claimant shall submit, to the Department, the remaining income verification, if any, for her husband, [REDACTED] for the months of October and December 2009 within 10 days.
3. The Department will re-compute the Claimant's FIP and FAP budgets to determine the Claimant's eligibility, and if the Claimant is eligible, the Department shall supplement the Claimant's FIP and FAP benefits retroactive to December 31, 2009 2009.


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

Date Signed: 06/28/10

Date Mailed: 07/01/10

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:

[REDACTED]