

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: 201029257
Issue No: 1038, 6019
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 26, 2010
Oakland County DHS (04)

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 in Wayne County, Michigan on May 26, 2010. The Claimant was present and testified. Judy Windrim, FIM appeared on behalf of the Department.

ISSUE

Whether the Department properly closed the Claimant's FIP case for her non compliance and her failure to attend the JET Work First program.

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 recipient (cash assistance).
2. On January 12, 2010, the Claimant was assigned to attend Work First orientation and did not attend.

3. The Claimant was scheduled for a triage on February 9 2010 and did not attend.
4. The Claimant has a special needs minor son who requires special care and must be picked up daily by the Claimant at 3:30pm, which interferes with normal Work First hours.
5. The Claimant was sanctioned for non compliance with Work First and her FIP case was closed due to non compliance with Work First for 3 months on April 1, 2010.
6. The Department issued a notice of case action March 9, 2010 which closed the Claimant's FIP case effective April 1, 2010 and denied the Claimant's CDC benefits, effective January 3, 2010.
7. The Claimant requested a hearing on March 23, 2010, and the hearing request was received by the Department on March 23, 2010.
8. At the hearing, the Department agreed to reopen and reinstate the Claimant's FIP case and benefits retroactive to April 1, 2010.
9. At the hearing, the Claimant agreed to provide the Department with verification of her son's special needs within 10 days.
10. At the hearing, the Department agreed to remove the 3 month Work First Sanction from the Claimant's case file.
11. At the hearing, the Department agreed to assist the Claimant in obtaining placement for her special needs son in a licensed daycare so that she can attend Work First.
12. As a result of these agreements and understandings, 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 case retroactive to the date of closure, April 1, 2010, and to supplement the Claimant for FIP benefits she was otherwise entitled to receive. The Department further agreed to remove the Claimant's sanction for non compliance with the Work First program from the claimant's case file. The Claimant agreed that she would provide verification of her son's special needs status to the Department. The Department, once special needs child day care assistance is verified, has agreed to assist the claimant in locating licensed daycare for her special needs child so that she may be available to attend work first.

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.

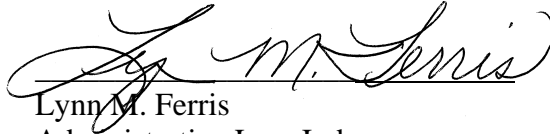
DECISION AND ORDER

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 the date of closure, April 1, 2010, and supplement the claimant for FIP benefits she was otherwise entitled to receive.
2. The Department shall remove the Work First sanction for non compliance from the Claimant's case record and file.

3. The Claimant agreed to provide the Department verification to establish the claimant's son's special needs child status within 10 days from May 26, 2010.
4. The Department agreed to assist the Claimant in obtaining CDC benefits in a licensed daycare facility once the Claimant's child's special needs status is verified and the Claimant completes an application for CDC.



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

Date Signed: 06/21/10

Date Mailed: 06/23/10

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:

