

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.: 201031132

Issue No.: 1000

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

May 26, 2010

Wayne DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 a hearing. After due notice, a telephone hearing was held on May 26, 2010. The Claimant appeared and testified along with her father, [REDACTED], [REDACTED], FIM and [REDACTED] appeared and testified for the Department.

ISSUE

Did the Department properly close Claimant's Family Independence Program ("FIP") benefits case for non-compliance with the Work First/Jobs Education and Training ("JET") program?

FINDINGS OF FACT

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

1. Claimant was a recipient of FIP benefits who was assigned to JET.

2. On December 14, 2009, Claimant was assigned to Work First with a January 4, 2010 appointment date.
3. On January 5, 2010, Claimant was assigned to Work First with a January 11, 2010 appointment date.
4. Claimant failed to appear at the Work First agency and her case was referred to triage.
5. Notice of Noncompliance was sent to Claimant on March 24, 2010, with notice of an April 8, 2010 triage meeting.
6. On January 22, 2010 a triage meeting was held, and the Department determined that Claimant was noncompliant and did not have good cause for noncompliance.
7. On April 30, 2010 Claimant's FIP case closed and a 90-day sanction was imposed.
8. Claimant requested hearing on April 13, 2010 contesting the closure and sanction of FIP benefits.
9. The parties reached an agreement whereby the Department agreed to reinstate FIP benefits back to the date of closure and give Claimant DHS forms 49,49D, and 49E to be completed by her physician.

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 (DHS or Department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependant Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) 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 parties reached an agreement whereby the Department agreed to reinstate FIP benefits back to the date of closure and give Claimant DHS forms 49 Medical Examination Report, 49D Psychiatric/Psychological Report, and 49E Mental Residual Functional Capacity Assessment to be completed by her physician. 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 above findings of fact and conclusions of law decides that the Department was not correct in the closure of Claimant's FIP benefits, and it is ORDERED that the Department's decision is hereby REVERSED, benefits shall be reinstated as of the date of closure and Claimant shall be given DHS forms 49, 49D, and 49E to be completed by her physician, in accordance with the terms of the settlement agreement. Any missed benefits will be paid to Claimant in the form of a supplement.

/s/ 

Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

201031132/AM

Date Signed: June 17, 2010

Date Mailed: June 17, 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.

AM/htw

cc:

