

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: 201035896
Issue No: 2000
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 14, 2010
Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on June 14, 2010.

ISSUE

Did the Department properly deny claimant's FIP application?

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 applied for FIP and CDC on September 29, 2009.
- (2) Claimant was referred to JET on October 15, 2009.
- (3) Claimant attended JET until November 16, 2009.
- (4) Claimant's FIP and CDC application was not processed timely.
- (5) Claimant was unable to continue with JET because she needed daycare for her children, which had not been processed.

- (6) On November 24, 2009, claimant's FIP and CDC applications were denied for failing to attend JET.
- (7) Had claimant's application been processed timely, claimant would have been approved for FIP and CDC benefits and claimant could have continued with JET.
- (8) On January 6, 2010, claimant requested a hearing to the matter, arguing that she was unable to continue with JET due to the childcare issue.
- (9) On June 14, 2010, a hearing was conducted.
- (10) At the hearing, the Department agreed that claimant's FIP application should have been approved, and that, had a triage been conducted into claimant's failure to attend JET on November 16, 2009, claimant would have been awarded good cause.
- (11) The Department agreed to open claimant's FIP case based on the application of September 29, 2009.
- (12) As a result of this agreement, claimant indicated that she no longer wished to proceed with 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 (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 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 Reference Manual (BRM).

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.

Claimant originally applied for FIP benefits on September 29, 2009. Claimant's FIP application was denied on November 24, 2009. At the hearing, the Department agreed that claimant's FIP application should not have been denied, and agreed to open FIP benefits for the claimant retroactive to her application date.


While other applications were subsequently processed and denied, for various other reasons, the Administrative Law Judge can only hear the case before him. Anything that happened subsequently to this application are extraneous to the hearing and, therefore, not relevant. The Department, admitting that claimant's FIP application should never have been denied, must therefore open claimant's FIP benefit case retroactive to September 29, 2009. Claimant should be rescheduled for JET, if necessary, according to the regulations contained in BEM 230A.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that a settlement has been reached in the above stated matter. Therefore, it is unnecessary to decide the matter at hand.

The Department is ORDERED to open claimant's FIP case retroactive to her application date of September 29, 2009. The Department is FURTHER ORDERED to issue to claimant any

supplemental FIP benefits to which she is otherwise entitled, after factoring all eligibility factors for the months in question. Claimant is to be scheduled for JET classes, if required, as per policy found in BEM 230A.



Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 06/23/10

Date Mailed: 06/24/10

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.

RJC/dj

cc:

