

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 2011-12679
Issue Nos.: 1000, 3000
Case No.: [REDACTED]
Hearing Date: February 23, 2011
DHS County: Oakland (63-04)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37, and Claimant [REDACTED] request for a hearing. After due notice, a telephone hearing was held on February 23, 2011. Claimant appeared and testified. [REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether DHS determined that Claimant was in noncompliance with the Family Independence Program (FIP) Jobs, Education and Training (JET) Program, and the Food Assistance Program (FAP), in accordance with DHS policies and procedures?

FINDINGS OF FACT

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

1. In April 2010, Claimant received FIP and FAP benefits and participated in the JET program.
2. On June 8, 2010, DHS issued a Notice of Noncompliance, DHS Form 2444, which stated that on April 30, 2009 (sic), Claimant was in noncompliance with the JET program.
3. DHS computer records indicate that the date of noncompliance was April 26, 2010.
4. JET caseworker notes report an incident of noncompliance on April 20, 2010.

5. On June 16, 2010, DHS issued a Good Cause Determination, DHS Form 71, which contained no description of the client's specific situation.
6. Also on June 16, 2010, DHS issued a Notice of Case Action stating that Claimant's FIP benefits would terminate on July 1, 2010, for one year and her FAP benefits would be suspended for the month of July 2010.
7. On July 8, 2010, Claimant filed a request for a hearing with DHS.
8. At the hearing on February 23, 2011, DHS agreed to revoke and rescind the FIP and FAP penalties, reinstate Claimant's benefits including reenrollment in the JET program, and provide all retroactive benefits to which Claimant is entitled.
9. As a result of this agreement, Claimant indicated she no longer wished to proceed with the hearing.

CONCLUSIONS OF LAW

FIP was established by the U.S. Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 United States Code Sec. 601 *et seq.* DHS administers FIP pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code Rules (MACR) 400.3101-400.3131. DHS' FIP policies are published in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables (RFT). These manuals can be found online at www.mich.gov/dhs-manuals.

FAP was established by the U.S. Food Stamp Act of 1977 and is implemented by Federal regulations contained in Title 7 of the Code of Federal Regulations. DHS administers the FAP program pursuant to MCL 400.10 *et seq.* and MACR 400.3001-400.3015. DHS' policies are found in BAM, BEM and RFT. *Id.*

Under BAM Item 600, clients have the right to contest any DHS decision affecting eligibility or benefit levels whenever they believe the decision is illegal. DHS provides an Administrative Hearing to review the decision and determine if it is appropriate. DHS policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when DHS receives a hearing request and continue through the day of the hearing.

At the February 23, 2011, hearing, DHS agreed not to charge Claimant with the April 30, 2010, violation of FIP JET requirements. As a result of this agreement on the record, Claimant indicated she no longer wished to proceed with the hearing. Since Claimant and DHS have come to an agreement, it is unnecessary for the Administrative Law Judge to make a decision regarding the issues in this case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law and the stipulated settlement agreement of the parties, states IT IS ORDERED that DHS shall revoke and rescind the June 16, 2010, FIP and FAP penalties, reinstate Claimant's FIP and FAP benefits to their original or other appropriate level and provide her with retroactive benefits for time periods during which she did not receive them. IT IS FURTHER ORDERED that Claimant shall be reenrolled in the JET program. IT IS FURTHER ORDERED that all steps shall be taken in accordance with DHS policies and procedures.



Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 1, 2011

Date Mailed: March 3, 2011

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.

JL/pf

cc:

