

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-13673
Issue Nos.: 1000, 6000
Case No.: [REDACTED]
Hearing Date: February 9, 2011
DHS County: Wayne (82-55)

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 9, 2011. Claimant appeared and testified. [REDACTED], and [REDACTED] [REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

1. Whether Claimant is entitled to Family Independence Program (FIP) benefits, including participation in the Jobs, Education and Training (JET) program?
2. Whether Claimant is entitled to Child Development and Care (CDC) benefits?

FINDINGS OF FACT

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

1. In 2010, Claimant received FIP and CDC benefits from DHS.
2. On October 18, 2010, Claimant was terminated from her job at [REDACTED].
3. On November 3, 2010, as a result of losing employment, DHS terminated Claimant from the CDC and FIP/JET programs.
4. On November 15, 2010, Claimant filed a Request for Hearing with DHS.

5. At the hearing on February 9, 2011, DHS agreed to reinstate Claimant into the JET and CDC programs effective November 3, 2010, and pay Claimant's provider for services provided beginning November 3, 2010.
6. As a result of DHS' agreement, Claimant testified she no longer wished to proceed with the administrative 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 USC 601, *et seq.* DHS administers the FIP program pursuant to MCL 400.10, *et seq.*, and Michigan Administrative Code Rules (MACR) 400.3101-400.3131. DHS' policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables (RFT). These manuals are available online at www.michigan.gov/dhs-manuals.

CDC was established by Titles IVA, IVE and XX of the U.S. Social Security Act, the U.S. Child Care and Development Block Grant of 1990, and the U.S. 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. DHS provides services to adults and children pursuant to MCL 400.14(1) and MACR 400.5001-400.5015. Department policies are contained 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 hearing, the parties agreed to settle and resolve the situation with the remedy that DHS will reinstate Claimant into the FIP/JET and CDC programs effective November 3, 2010, the date her case was closed. DHS further agreed that as part of the reinstatements of her FIP/JET and CDC cases, DHS will pay Claimant's child care provider for services rendered beginning November 3, 2010, to the present.

As the parties have reached a settlement agreement, it is not necessary for the Administrative Law Judge to adjudicate any issues presented. Therefore, I order that DHS shall reinstate Claimant's FIP/JET and CDC benefits as of November 3, 2010, or other appropriate date, and provide payment for provider services as of the appropriate date as well.

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I recognize and adopt the settlement agreement herein as the basis of my order. Pursuant to the stipulated settlement agreement of the parties to this effect, IT IS SO ORDERED.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, states that in this case, the parties have reached a stipulated agreement to resolve the case. Pursuant to the agreement of the parties, IT IS HEREBY ORDERED that DHS shall reinstate Claimant into the FIP/JET and CDC programs effective November 3, 2010, or other appropriate date, and provide CDC provider payments for child care services rendered as of that date.

IT IS SO ORDERED.



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

Date Signed: February 10, 2011

Date Mailed: February 14, 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:

