

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.: 2011-13998
Issue No.: 1000
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], appeared and testified on behalf of the Department of Human Services (DHS). [REDACTED], was also present.

ISSUE

Whether Claimant is entitled to Family Independence Program (FIP) benefits, including participation in the Jobs, Education and Training (JET) program?

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 was a recipient of FIP benefits and participated in the JET program.
2. On October 7, 2010, DHS issued a Notice of Noncompliance to Claimant regarding her failure to participate in required JET activity on September 24, 2010.
3. On October 14, 2010, a triage conference was held regarding noncompliance, and it was found that Claimant had good cause for her failure to appear on September 24, 2010.

4. On October 15, 2010, DHS issued another Notice of Noncompliance concerning noncompliance on September 24, 2010, and scheduled another triage conference appointment for October 28, 2010.
5. On October 28, 2010, DHS determined Claimant was noncompliant on September 24, 2010, and DHS imposed a first-time ninety-day suspension of benefits commencing December 1, 2010.
6. On December 8, 2010, Claimant filed a Request for a Hearing with DHS.
7. At the hearing on February 9, 2011, DHS agreed to reinstate Claimant in the FIP and JET programs and re-enroll her in a Work First program.
8. 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 400.3101-400.3131. DHS' policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and Reference Tables (RFT). These manuals are available online at www.michigan.gov/dhs-manuals.

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 and restore Claimant's FIP-JET program benefits and enroll her in a Work First program. As a result of DHS' offer, Claimant testified she no longer wished to proceed with the administrative hearing.

As the parties have agreed to resolve the issues in this matter between themselves, it is not necessary for the Administrative Law Judge to decide them. Accordingly I will enter a stipulated order which incorporates the parties' agreement.

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Based on the parties' agreement and based also on the findings of fact and conclusions of law above, IT IS HEREBY ORDERED that DHS shall reinstate Claimant into the FIP and JET programs, rescind any penalties imposed, restore all appropriate benefits, and enroll Claimant in a Work First program. 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 and JET programs, rescind any penalties imposed, restore lost benefits, if any, and enroll Claimant in another Work First program. All steps shall be taken in accordance with DHS policies and procedures.

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.

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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:

