

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg No: 2011 25702
Issue Nos: 1038, 1010
Case No: [REDACTED]
Hearing Date:
April 20, 2011
Oakland County DHS (04)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 hearing. After due notice, a telephone hearing was conducted by the undersigned in Detroit, Michigan on April 20, 2011. The Claimant was present and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly certified and processed the Claimant's October 25, 2010 application for Family Independence Program Benefits ("FIP") (Cash).

FINDINGS OF FACT

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

1. The Claimant applied for FIP Cash Assistance on September 28, 2010. The application was denied on October 15, 2010, when the Claimant did not attend the Work First Orientation she was scheduled to attend.

2. The Claimant reapplied for FIP Cash Assistance on October 25, 2010, and provided medical information on November 1, 2010 from her Doctor, which supported her deferral from the Work First program.
3. The Department, at the hearing, confirmed that the Claimant should have been deferred from attending the Work First Program on the basis of the doctor's letter she provided to the Department.
4. The Claimant's October 25, 2010 application was never acted upon by the Department.
5. The Claimant received cash assistance on the basis of a third application, which she filed December 9, 2010, and Began receiving FIP on January 1, 2011.
6. The Department testified that the Claimant should have been deemed eligible as of the October 25, 2010 application.
7. The Department agreed that the Claimant should be deemed eligible as of October 25, 2010 application date, and that it further agreed to issue a FIP cash assistance supplement to the Claimant for the second pay period in November 2010 (period beginning 11/16/10) and for December 2010.
8. The Claimant requested a hearing on December 9, 2010, protesting the denial of her October 25th application.
9. As a result of this agreement, Claimant indicated that she no longer wished to proceed with the remainder of 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 (formerly known as the Family Independence Agency) 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 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 Department has agreed to process the Claimant's October 25, 2010 application and to issue FIP cash supplements for the period beginning November 16, 2010 (second pay period for FIP) and December 2010.

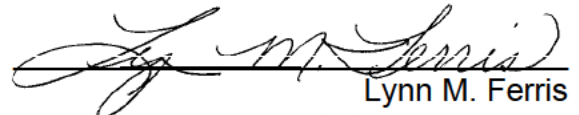
As a result of this agreement, Claimant indicated she no longer wished to proceed with the hearing. Since the Claimant and the Department have come to an agreement, it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Administrative Law Judge, based upon the findings of fact and conclusions of law, finds that the Department and Claimant have come to a settlement regarding claimant's request for a hearing.

Accordingly, it is ORDERED

1. The Department shall process the Claimant's FIP application of October 25, 2010 and issue a supplement to the Claimant for FIP benefits for the second pay period in November 2010, (November 16, 2010) and for the month of December 2010 for FIP benefits she was entitled to receive.


Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 05/18/11

Date Mailed: 05/18/11

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.

LMF/dj

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