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

IN THE MATTER OF:



 Reg. No. :
 2011-28658

 Issue No. :
 1000

 Case No.:
 June 16, 2011

 Hearing Date:
 June 16, 2011

 DHS County:
 Wayne (82-55)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 and Claimant notice, a telephone hearing was held on June 16, 2011. The Claimant appeared and testified at the hearing. Family I ndependence Manager, appeared and testified for the Department of Human Services (DHS).

ISSUE

Whether DHS' February 3, 2011 Notice of Ov erissuance to Claimant for \$2,470 Family Independence Program (FIP) benefits is in error?

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 for
- 2. On December 28, 2010, the children left Claimant's home.
- 3. Before the end of Dec ember, 2010, Cla imant reported to DHS that the children were no longer living with her.
- 4. On February 3, 2011, DHS iss ued a No tice of Noncomplianc e to Claimant, stating that she received an ov erissuance of \$2,470 FIP benefits from April 1, 2010-January 31, 2011.

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- 5. On February 22, 2011, Claimant filed a Request for a Hearing with DHS.
- 6. At the hearing on June 16, 2011, DHS agreed that an agency error occurred and that Claim ant did not receive an overi ssuance of FIP benefits. DHS agr eed to rescind the February 3, 2011 Notice of Overissuance.
- 7. As a result of DHS' agreement, Claim ant testified she no longer wished to proceed with the Administrative Hearing.

CONCLUSIONS OF LAW

FIP was establish ed by the U.S. Pers onal Res ponsibility a nd Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601 *et seq.* DHS administers the FIP pr ogram purs uant to M CL 400.10 *et seq.* and Michigan Administ rative Code Rules 400.3101-400.3131. Depa rtment policies are found in Br idges Adm inistrative Manual (BAM), Bridges Eligib ility Manual (BEM) and Bridges Reference Tables (RFT). These manuals are available online at <u>www.michigan.gov/dhs-manuals</u>.

Under BAM Item 600, clients have the right to contest any agency decision affecting eligibility or benefit le vels whenever they believe the decision is illegal. The a gency provides an Administ rative 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 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 rescind the F ebruary 3, 2011 Notice of Overissuance and will not pursue this assertion, which was issued in error. As a result of DHS' offer to rescind and revok e the claim, Claimant testifi ed that she accepted this a rrangement and she no longer wished to proceed with the Administrative Hearing.

As the parties have agreed to resolve the is sue in this matter between them selves, it is not necessary for the Administrative Law Ju dge to decide it. Acc ordingly I will enter a stipulated order which incorporates the parties' agreement.

In conclusion, based on the par ties' agreement, and based als o on the findings of fact and conclusions of la w above, IT IS HE REBY ORDERED that DHS will rescind the February 3, 2011 Notice of Overissuance as it was issued in error.

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

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the case. Pursuant to the agreement of the parties, IT IS HEREBY ORDERED that DHS shall rescind and revoke the February 3, 2011 Notice of Overissuance, which was issued in error in this case ; and, DHS will not ass ert further its erroneous claim of overissuance in this case. All st eps shall be taken in accordanc e with DHS policy and procedure.

IT IS SO ORDERED.

JO.

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

Date Signed: June 20, 2011

Date Mailed: June 21, 2011

NOTICE: Administrative Hearings may or der a rehearing or reconsideration on either its own motion or at t he request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hear ings will not orde r a rehearing or reconsideration on the Department's mo tion where the final decis ion 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/cl

