

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

IN THE MATTER OF:

[REDACTED]

Reg. No. 2011-29660
Issue No. 1000
Case No. [REDACTED]
Hearing Date: July 5, 2011
Wayne DHS(31)

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's request for a hearing. After due notice, a telephone hearing was held on July 5, 2011 in Detroit, Michigan. The Claimant appeared and testified at the hearing. [REDACTED] was present as a witness for Claimant. [REDACTED] Family Independence Specialist, appeared and testified for the Department of Human Services (DHS). [REDACTED] Family Independence Specialist, was also present at the hearing.

ISSUE

Whether Claimant is entitled to Family Independence Program (FIP) benefits for February 1-March 15, 2011 from DHS?

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. On February 15, 2011, Claimant lived at [REDACTED] with her [REDACTED] children.
2. On March 21, 2011, Claimant applied for FIP benefits with DHS.
3. Claimant withdrew her application based on erroneous information from DHS.
4. On April 1, 2011, Claimant filed a Request for Hearing with DHS.

5. At the Administrative Hearing on July 5, 2011, DHS agreed to reopen and process Claimant's March 21, 2011 application.
6. Upon hearing the DHS offer, Claimant accepted it and testified she was satisfied and 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 FIP pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code Rules 400.3101-400.3131. Department policies are found in Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM) and Bridges 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 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 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 reopen and process Claimant's March 21, 2011 application and provide her with supplemental, retroactive benefits as appropriate from that date forward. As a result of DHS' offer to reinstate her application, Claimant testified she was satisfied with this action and no longer wished to proceed with the Administrative Hearing.

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

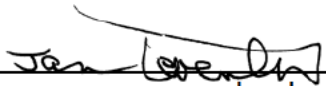
In conclusion, based on the parties' agreement, and based also on the findings of fact and conclusions of law above, IT IS HEREBY ORDERED that DHS will reopen and process Claimant's March 21, 2011 FIP application and provide Claimant with retroactive supplemental benefits as appropriate.

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 reopen and process Claimant's March 21, 2011 FIP application, and provide Claimant with all supplemental retroactive benefits to which she is entitled. All steps shall be taken in accordance with DHS policy and procedure.



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

Date Signed: July 7, 2011

Date Mailed: July 7, 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/cl

cc:

