

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

IN THE MATTER OF:
Issue

[REDACTED]

Reg. No.: 2011-30462
No.: 1000
Case No.: [REDACTED]
Hearing Date: June 23, 2011
DHS County: Wayne (15)

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 [REDACTED] request for a hearing. After due notice, a telephone hearing was held on June 23, 2011. 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).

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. In 2010, Claimant was a recipient of FIP benefits.
2. On December 20, 2010 the DHS Office of Child Support (OCS) notified the DHS local office handling Claimant's benefits case that Claimant was in compliance with the OCS requirement of cooperation with paternity and child support enforcement.
3. Also on December 20, 2010, DHS issued a Notice of Case Action closing Claimant's FIP benefits effective February 1, 2011, for the stated reason that she was not in compliance with OCS enforcement requirements.

4. On April 7, 2011, Claimant filed a Request for Hearing with DHS.
5. At the Administrative Hearing on June 23, 2011, DHS agreed that an agency error occurred and that Claimant did not comply with OCS requirements on December 20, 2010, and her FIP benefits should not have been terminated from February 1-March 15, 2011. DHS agreed to rescind the December 20, 2010, Notice of Case Action.
6. As a result of DHS' offer, Claimant testified she was satisfied and 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. 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.

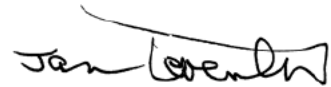
At the hearing the parties agreed to settle and resolve the situation with the remedy that DHS will rescind the December 20, 2010 Notice of Case Action and reinstate Claimant's benefits for the period of February 1-March 15, 2011. As a result of DHS' offer to reinstate the case for this time period, Claimant testified she was satisfied with this action and she no longer wished to proceed with the Administrative Hearing.

As the parties have agreed to resolve the issue in this matter 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 rescind the December 20, 2010 Notice of Case Action and provide Claimant with retroactive supplemental FIP benefits for February 1-March 15, 2011, 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 the case. Pursuant to the agreement of the parties, IT IS HEREBY ORDERED that DHS shall rescind and revoke the December 20, 2010 Notice of Case Action as it pertains to Claimant's FIP benefits, and provide Claimant with supplemental retroactive FIP benefits for February 1-March 15, 2011. 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: June 23, 2011

Date Mailed: June 24, 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:

