

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

IN THE MATTER OF:
Issue

[REDACTED]

Reg. No.: 2011-35224
No.: 1000
Case No.: [REDACTED]
Hearing Date: June 22, 2011
DHS County: Wayne (57)

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 June 22, 2011. Claimant appeared and testified. [REDACTED], Family Independence Specialist, and [REDACTED], Family Independence Manager, appeared and testified for the Department of Human Services (DHS).

ISSUE

Whether DHS terminated Claimant from the Family Independence Program (FIP) in accordance with its policies and procedures?

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 March 3, 2011, Claimant applied for FIP benefits with DHS.
2. DHS required Claimant to participate in the Jobs, Education and Training (JET) program in order to receive FIP benefits.
3. On March 4, 2011, DHS sent Claimant a JET Appointment Notice, scheduling her for an orientation meeting on March 18, 2011.

4. [REDACTED]

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5. On March 14, 2011 Claimant went to the JET offices, told them about the scheduling conflict, and was told she did not have to appear again on March 18, 2011.
6. Claimant made several attempts to reach the DHS Specialist by telephone but was unsuccessful.
7. On May 5, 2011, Claimant submitted a Request for a Hearing to DHS.
8. On May 16, 2011, DHS denied Claimant's FIP application.
9. At the Administrative Hearing on June 22, 2011, DHS offered to reinstate Claimant's FIP application and re-enroll her in the JET program.
10. After hearing DHS' testimony, Claimant testified she agreed with the DHS proposal and accepted it. She further indicated 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 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 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 reinstate Claimant's FIP application and re-enroll her in the JET program. As a result of DHS' offer, Claimant testified she accepted this arrangement 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.

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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 reinstate Claimant's March 3, 2011 FIP application and re-enroll her in the JET program.

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's March 3, 2011 FIP application and re-enroll her in the JET program. 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:

