

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

IN THE MATTER OF:



Reg. No. 2011-36057
Issue No. 1000
Case No. [REDACTED]
Hearing Date: July 13, 2011
MACOMB (20)

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, which govern the administrative hearing and appeal process, and Claimant's request for a hearing. After due notice, a telephone hearing was held on July 13, 2011 in Detroit. Claimant appeared and testified. [REDACTED] Family Independence Specialist, appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether DHS determined that Claimant was in noncompliance with Family Independence Program (FIP) requirements in accordance with DHS policy and procedure?

FINDINGS OF FACT

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

1. In 2011, Claimant received FIP benefits.
2. As a requirement of the FIP program, Claimant was required to participate in the Jobs, Education and Training (JET) program.
3. On May 2, 2011, DHS issued a Jobs, Education and Training Appointment Notice instructing Claimant to attend a JET appointment, but the Notice failed to state the city in which the appointment was to occur.
4. On May 11, 2011, DHS issued a Notice of Case Action stating that Claimant's FIP benefits were terminated May 1, 2011.

5. On May 16, 2011, Claimant filed a request for a hearing with DHS.
6. At the Administrative Hearing on July 13, 2011, the parties agreed that Claimant's FIP benefits were terminated in June, 2011, and as she subsequently reapplied, the only month in which she did not receive benefits was June, 2011.
7. At the Hearing, DHS agreed to reinstate Claimant's FIP benefits for the month of June, 2011.
8. As a result of this agreement, Claimant indicated she was satisfied and no longer wished to proceed with the 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 United States Code Sec. 601 *et seq.* DHS administers FIP pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code Rules 400.3101-400.3131. DHS' FIP policies are published in Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM) and Reference Tables (RFT). These manuals can be found online at www.mich.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 July 13, 2011 hearing, the Department agreed to reinstate Claimant's FIP benefits and provide her with a supplement for June, 2011. As a result of this agreement on the record, Claimant indicated she no longer wished to proceed with the hearing. Since the Claimant and DHS have come to an agreement, it is unnecessary for the Administrative Law Judge to make a decision regarding the issues in this case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, and the stipulated settlement agreement of the parties, states IT IS ORDERED that DHS will:

1. Reinstate Claimant's FIP benefits to their original or other appropriate level;

2011-36057/JL

2. Provide Claimant with supplemental retroactive benefits for those time periods in which she did not receive them, including but not limited to June, 2011.

All steps shall be taken in accordance with DHS policies and procedures.



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

Date Signed: July 14, 2011

Date Mailed: July 14, 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:

