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

IN THE MATTER OF:



Reg. No.: Issue No.: Case No.: Hearing Date: 2011-44742 1000; 2000; 3000

August 31, 2011 Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Susan Burke

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a t elephone hearing was held on August 31, 2011 in De troit, Michigan. Claimant appeared and testified. The Department of Human Services (Department) was represented by JET Case Manager.

<u>ISSUE</u>

Was the D epartment correct in its decision to take negative action on Claim ant's Food Assistance Program (FAP) and Family Independence Program (FIP) cases due to failure to cooperate in child support requirements?

FINDINGS OF FACT

The Administrative Law Judge, based on t he competent, material, and substantial evidence on the whole record, finds as material fact:

- 1. Claimant was an ongoing FIP and FAP recipient.
- 2. The Department imposed a negative ac tion, effective Augu st 1, 2011 on Claimant's FIP and FAP case s due to failure to cooperate in child support requirements.
- 3. Claimant requested a hearing, protesting the negative action.
- At the hearing, the Department agreed to remove the negative actio n on Claimant's FIP and FAP cases, and issue supplements, effective August 1, 2011 and ongoing.

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- 5. As a result of the agreement, Claim ant indicated s he no longer wished to proceed with the hearing.
- 6. No negative action was taken on Claimant's Medical Assistance (MA) case.

CONCLUSIONS OF LAW

The Family Independence program (FIP) was es tablished pursuant to the Personal Responsibility and Work Opportunity Reconc iliation Act of 1996, P ublic Law 104-193, 8 USC 601, *et seq.* T he Department administers the FIP progr am pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. Departm ent policies are found in the Bridges Administrative Manual (BAM), th e Bridges Eligibilit y Manual (BEM) and the Program Reference Manual (PRM), which includes the Reference Tables (RFT.)

The Food Assistanc e Program (FAP) (formerly known as the Food Stamp (FS) program) is establis hed by the Food St amp Act of 1977, as amended, and is implemented by the federal r egulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the FAP program pursuant to CML 400.10 *et seq.*, and MAC R 400.3001-3015. Department policies are found in the BAM, BEM and PRM.

Under BAM 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The Department provides an Administrative Hearing to review the decisi on and determine if it is appropriate. Department policy includes procedures to m eet the minimal requirement s for a fair hearing. Efforts to clarify and res olve the client's concerns start when the Department receives a hearing request and continues through the day of the hearing.

In the present case the Department has agreed to remove the negative action from Claimant's FIP and FAP cas es, which was effective August 1, 2011 and iss ue supplements to Claim ant, effective August 1, 2011 and ongoing. As a result of this agreement, Claimant indicated she no longer wished to proceed with the hearing. Since the Claimant and the Department have come to an agreement it is unnecess ary for this Administrative Law Judge to make a decisi on regarding the facts and issues in this case.

It is noted that Claim ant also requested a hearing on MA, but at the hearing Claimant and the Department agreed that no negative action was taken on Claimant's MA case.

DECISION AND ORDER

The Administrative Law Judge, based upon t he above findings of fact and conclusion s of law decides that the D epartment and Claimant hav e come to a settlement regarding Claimant's request for a hearing. Therefore, it is ORDERED:

- 1. The Department shall remove the negat ive action on Claimant's FIP and FAP cases, which was effective August 1, 2011.
- 2. The Depar tment shall initiate reinstat ement of Claimant's FIP c ase, effective August 1, 2011.
- 3. The Depar tment shall init iate restoration of Claimant 's FAP benefits, effective August 1, 2011.
- 4. The Department shall issue to Cla imant FIP and FAP supplements, effective August 1, 2011 and ongoing, if Claimant is found to be otherwise eligible.

It is further ORDERED that Claimant's request for hearing regarding MA is DISMISSED pursuant to BAM 600.

Jusa C. Bruke

Susan Burke Administrative Law Judge For Maura Corrigan Director Department of Human Services

Date Signed: <u>9/8/11</u>

Date Mailed: <u>9/8/11</u>

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NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party wit hin 30 days of the ma iling 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.

SB/MF

