

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201146065
Issue No.: 1038
Case No.: [REDACTED]
Hearing Date: August 29, 2011
Wayne County DHS (49)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on August 29, 2011. The claimant appeared and testified. [REDACTED] appeared as a witness on behalf of the Claimant. [REDACTED], FIM, and [REDACTED], Case Manager, appeared on behalf of the Department of Human Services.

ISSUE

Whether the Department properly sanctioned and closed the Claimant's FIP cash assistance case for non compliance with work related activities.

FINDINGS OF FACT

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

1. On April 30, 2011 the Department closed and sanctioned the Claimant's FIP cash assistance case for non compliance with work related activities after a triage.
2. The Department closed the Claimant's FIP case for 12 months.
3. The Department's closure for 12 months was in error, as the non compliance arising from the last triage in April 2011 was only the Claimant's second sanction for non compliance. The Department should have closed the Claimant's case for only 3 months.

4. The Department reviewed its records and conceded it had made an error when it closed the Claimant's FIP case for 12 months.
5. At the hearing the Department agreed to correct its error and remove from the Claimant's case record any incorrect reference to sanction and closure on April 13, 2009, which the Department determined was incorrect and agreed to register the Claimant's new application for FIP benefits effective August 1, 2011 (the date when the sanction should have ended).
6. Based upon these agreements the Claimant stated it was unnecessary to continue with the hearing.

CONCLUSIONS OF LAW

The Family Independence Program ("FIP") was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human Services ("DHS" or "Department"), formerly known as the Family Independence Agency, administers the FIP program pursuant to MCL 400.10, *et seq* and Michigan Administrative Code Rules 400.3101-3131. Department policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Manual ("BRM").

Under Bridges Administrative Manual 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 continues through the day of the hearing.

In this case at the hearing the Department acknowledged that it incorrectly imposed a 12 month sanction when it closed the Claimant's FIP case and that its records regarding the Claimant's non compliance with the work first program were incorrect. The Department conceded that it should have imposed only a 3 month sanction. The Department agreed to remove from the Claimant's case record and correct its own records an entry dated April 13, 2009 which did not result in imposition of a sanction for non compliance. The Department also agreed that it should have imposed .a 3 month rather than 12 month sanction when it closed the Claimant's FIP case on April 30, 2011 and that the sanction ended August 1, 2011. The Department further agreed to register the Claimant's new FIP application as of August 1, 2011 the date the sanction ended.

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

201146065/LMF

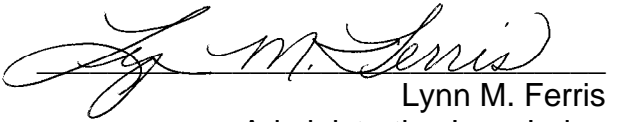
unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Administrative Law Judge, based upon the findings of fact and conclusions of law, finds that the Department and Claimant have come to a settlement regarding claimant's request for a hearing.

Accordingly it is ORDERED:

1. The Department shall remove from the Claimant's case record the April 13, 2009 entry regarding the non compliance with Work First, which it determined is incorrect, and shall correct its records accordingly.
2. The Department shall register the Claimant's new FIP application as of August 1, 2011 (the date the sanction for non compliance ended).
3. If the Claimant is otherwise eligible to receive FIP benefits, the Department shall issue a supplement to the Claimant for any FIP benefits the Claimant was otherwise eligible to receive in accordance with Department policy.


Lynn M. Ferris
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: August 31, 2011

Date Mailed: August 31, 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 receipt 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.

201146065/LMF

LMF/hw

cc:

