

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg No: 2011 7630
Issue No: 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
December 16, 2010
Wayne County DHS (15)

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 hearing. After due notice, a telephone hearing was conducted by the undersigned in Detroit, Michigan on December 16, 2010. The Claimant was present and testified. Vivian Turner, FIM and Twana Frazier, FIS appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's application for benefits for Family Independence Program Benefits ("FIP") (Cash) for non compliance with the JET program?

FINDINGS OF FACT

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

1. Claimant applied for (FIP) cash assistance on August 21, 2010 and was assigned to attend the JET orientation.

2. The Claimant did attend the orientation and the JET program for one week and her case was accidentally closed in the system and she could no longer attend the JET program.
3. Subsequently, Claimant was reassigned to attend another JET orientation but advised her worker she could not attend as she was enrolled in job training for [REDACTED].
4. The Department denied the Claimant's FIP application by Notice of Case Action dated October 18, 2010.
5. At the hearing the Department agreed to reopen and reinstate the Claimant's FIP application retroactive to the date of application August 21, 2010 and to reassign the Claimant to attend JET orientation. The Department further agreed to issue a retroactive supplement to the Claimant for FIP benefits conditioned upon her successful attendance at the work first orientation.
6. As a result of this agreement, Claimant indicated that she no longer wished to proceed with the remainder of 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 (formerly known as the Family Independence Agency) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are

found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Program Reference Manual (PRM).

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 the present case, the Department has agreed to reopen and reinstate the Claimant's FIP application retroactive to August 21, 2010 and to supplement the Claimant's FIP benefits retroactive to the date of her application upon the Claimant's attendance at the JET program orientation which the Department agreed to reschedule.

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

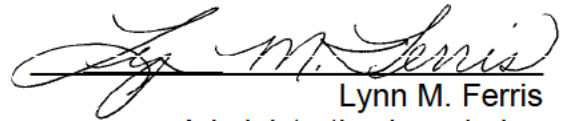
DECISION AND ORDER

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 reopen and reinstate the Claimant's FIP application to the date of application, August 21, 2010, and shall retroactively supplement

the claimant for FIP benefits she was otherwise entitled and eligible to receive upon the Claimant's attending the JET orientation she is assigned to attend by the Department.



Lynn M. Ferris
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 01/04/11

Date Mailed: 01/05/11

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.

LMF/dj

cc:

