

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

IN THE MATTER OF:



Reg No: 2011 13685  
Issue No: 1005  
Case No: [REDACTED]  
Hearing Date:  
February 9, 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 hearing. After due notice, a telephone hearing was conducted by the undersigned in Detroit, Michigan on February 9, 2011. The Claimant was present and testified. Margaret Sledge, Case Manager appeared on behalf of the Department.

ISSUE

Whether the Department properly closed the Claimant's Family Independence Program Benefits ("FIP") (Cash) for failure to complete the Redetermination.

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 was scheduled for a redetermination on October 1, 2010.
2. The Claimant rescheduled her redetermination appointment but her FIP case closed on December 1, 2010.
3. None of the caseworkers or supervisors with whom the Claimant had contact with were available for the hearing as they had retired.

4. No one from the Department with first hand knowledge was available.
5. The Claimant testified credibly that she had rescheduled her redetermination appointment and when she showed up at the appointed time no one was available to meet with her.
6. At the hearing, the Department agreed to reopen and reinstate the Claimant's FIP case retroactive to the date of closure, December 1, 2010, and to supplement the Claimant for FIP benefits for the period December 1, 2010 through December 31, 2010.
7. 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 case retroactive to December 1, 2010, and to supplement the Claimant's FIP benefits retroactive to the date of closure through December 31, 2010, when her case was still closed.

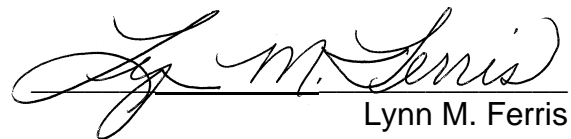
As a result of this agreement, Claimant indicated she no longer wished to proceed with the hearing. Since the Claimant and the Department have come to an agreement it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

#### 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 case retroactive to the date of closure December 1, 2010, and shall retroactively supplement the claimant for FIP benefits she was otherwise entitled and eligible to receive for the period December 1, 2010 through December 31, 2010.



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

Date Signed: 02/15/11

Date Mailed: 02/16/11

**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:

