

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

IN THE MATTER OF:

[REDACTED]

Reg. No. 2011-14285
Issue Nos. 1000, 3000, 6000
Case No. [REDACTED]
Hearing Date: June 27, 2011
WAYNE (43)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 400.37, and Claimant [REDACTED] request for a hearing. After due notice, a telephone hearing was held on June 27, 2011. The Claimant appeared and testified. [REDACTED] Family Independence Specialist, appeared and testified on behalf of the Department of Human Services (DHS).

ISSUES

1. Whether DHS provided Food Assistance Program (FAP) and Family Independence Program (FIP) benefits to Claimant in accordance with DHS policy and procedure?
2. Whether Claimant's request to dismiss her claim regarding Child Development and Care (CDC) benefits shall be granted?

FINDINGS OF FACT

1. DHS closed Claimant's FAP benefits in error for the two months of February and March, 2011.
2. DHS closed Claimant's FIP benefits in error during the six-month period of September, 2010, and November, 2010-March, 2011.
3. DHS failed to provide Claimant with the CDC benefits to which she was entitled.
4. On November 15, 2010, Claimant filed a Request for Hearing with DHS on all three issues.

5. At the Administrative Hearing on June 27, 2011, Claimant testified she was now satisfied with her CDC benefits and requested that the Administrative Law Judge dismiss this issue from her Hearing Request.

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 601 *et seq.* DHS administers FIP pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code Rules (MACR) 400.3101-400.3131. Department policies are found in Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM) and Reference Tables (RFT). These manuals are available online at www.michigan.gov/dhs-manuals.

FAP was established by the U.S. Food Stamp Act of 1977 and is implemented by Federal regulations contained in Title 7 of the Code of Federal Regulations. DHS administers FAP pursuant to MCL 400.10 *et seq.* and MACR 400.3001- 400.3015. Department policies are found in BAM, BEM and RFT. *Id.*

CDC was established by Titles IVA, IVE and XX of the U.S. Social Security Act, the U.S. Child Care and Development Block Grant of 1990, and the U.S. Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. DHS provides CDC benefits to adults and children pursuant to MCL Section 400.14(1) and MACR 400.5001-5015. DHS' CDC policies are found in BAM, BEM and RFT. *Id.*

Under BAM Item 600, "Hearings," 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.

In this case the parties stipulated to a settlement agreement whereby DHS will reinstate Claimant's FAP and FIP benefits for the months in which they were closed in error. The months are February and March, 2011, for FAP, and September, 2010 and November, 2010-March, 2011 for FIP. As the parties have reached an agreement, it is not necessary for the Administrative Law Judge to decide these issues in the case.

Also, at the Administrative Hearing, Claimant testified that she was satisfied with her CDC benefits and no longer wished to pursue this issue. Claimant requested that the

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Administrative Law Judge dismiss this claim from the hearing. I will honor the Claimant's request in my Order.

In conclusion, based on the above findings of fact, the conclusions of law, and the settlement agreement of the parties, I shall enter a settlement Order in this matter regarding Claimant's FIP and FAP benefits, to the effect that DHS shall make supplemental payments of FAP and FIP benefits to Claimant for the months in which her benefits were closed in error, in order to restore her to the benefit status to which she is entitled.

Furthermore, pursuant to MACR 400.903 and 400.906 and, at Claimant's request, I DISMISS Claimant's CDC benefits claim from this case.

ORDER

Based on the findings of fact and conclusions of law above, and upon the settlement agreement of the parties, IT IS HEREBY ORDERED that DHS shall pay supplemental benefits to Claimant for February and March, 2011 (FAP) and for September, 2010, and November, 2010-March, 2011 (FIP). Furthermore, at the Claimant's request, Claimant's CDC benefits issue is HEREBY DISMISSED from this action.



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

Date Signed: June 28, 2011

Date Mailed: June 29, 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

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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:

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