

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.: 2011-19477
Issue Nos.: 1000, 3000
Case No.: [REDACTED]
Hearing Date: March 7, 2011
DHS County: Oakland (63-02)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37, and Claimant [REDACTED] request for a hearing. After due notice, a telephone hearing was held on March 7, 2011. Claimant appeared and testified at the hearing. [REDACTED]

[REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether DHS denied Claimant's Family Independence Program (FIP) and Food Assistance Program (FAP) benefits in accordance with DHS policies and procedures?

FINDINGS OF FACT

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

1. In September 2010, Claimant applied for FIP and FAP benefits with DHS.
2. On November 4, 2010, DHS issued a Notice of Noncompliance stating that Claimant was not in compliance with the requirements of the JET program.
3. On November 15, 2010, DHS issued a Good Cause Determination, finding that Claimant did not have good cause for noncompliance with the JET program.
4. On November 16, 2010, DHS denied Claimant's application.
5. On January 6, 2011 Claimant filed a notice of hearing request with DHS.

6. At the hearing on March 7, 2011, DHS offered to reopen Claimant's application, rescind the negative Good Cause Determination, re-enroll her in the JET program and provide supplemental FIP and FAP benefits retroactive to the date of her application.
7. As a result of DHS' offer, Claimant testified that she no longer wished to continue the Administrative Hearing.

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 the FIP program pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code Rules (MACR) 400.3101-400.3131. DHS' policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the 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 the FAP program pursuant to MCL 400.10 *et seq.* and MACR 400.3001-400.3015. DHS' policies are found in BAM, BEM and RFT. *Id.*

Under BAM Item 600, clients have the right to contest any DHS decision affecting eligibility or benefit levels whenever they believe the decision is illegal. DHS provides an Administrative Hearing to review the decision and determine if it is appropriate. DHS policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when DHS 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 FIP and FAP application, rescind the negative Good Cause Determination, re-enroll her in the JET program and provide supplemental FIP and FAP benefits as appropriate as of the date of her application. As the parties have reached an agreement, it is not necessary for the Administrative Law Judge to decide the issues presented in this case.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact, conclusions of law and the settlement agreement of the parties, states IT IS ORDERED that DHS shall reopen and reinstate Claimant's FIP and FAP application, rescind the negative Good Cause Determination, re-enroll her in the JET program, and provide supplemental retroactive FIP and FAP benefits as of the date of her application. DHS shall take all steps in accordance with DHS policies and procedures.

IT IS SO ORDERED.



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

Date Signed: March 14, 2011

Date Mailed: March 17, 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 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/pf

cc:

