

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

IN THE MATTER OF:

[REDACTED]

Reg No: 2011 22883
Issue Nos: 3008/6019/
1038

Case No: [REDACTED]
Hearing Date:
April 25, 2011
Wayne County DHS (55)

ADMINISTRATIVE LAW JUDGE: [REDACTED]

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 April 25, 2011. The Claimant was present and testified. [REDACTED], FIS appeared on behalf of the Department.

ISSUE

Whether the Department properly closed the Claimant's Food Assistance (FAP).

Whether the Department timely processed the Claimant's Child Development and Care (CDC).

Whether the Department properly closed the Claimant's Cash Assistance case.

FINDINGS OF FACT

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

1. The Claimant was a Food Assistance (FAP), Child Day Care (CDC) recipient, and FIP cash assistance recipient.
2. The Claimant has a CDC case which requires further processing.
3. The Department agreed at the hearing to reprocess the application/case retroactive to August 2010.
4. The Claimant agreed at the hearing that any issues regarding her Food Assistance (FAP) benefits have been resolved to her satisfaction and that her FAP benefits are currently active.
5. The Claimant's cash assistance case closed effective February 1, 2011.
6. The Department could not explain, and did not know why the Bridges system closed the Claimant's FIP cash assistance case. The System indicated that the case was closed due to non compliance with Work First but no letter of non compliance had been sent by the Department to the Claimant
7. The Department agreed to reopen and reinstate the Claimant's FIP case and to determine the Claimant's eligibility retroactive to February 1, 2011.
8. As a result of these agreements, Claimant indicated that she no longer wished to proceed with the remainder of the hearing.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the FAP program pursuant to MCL 400.10, *et seq.*,

and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Table (RFT).

The Child Development and Care program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the 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. The Department of Human Services (formerly known as the Family Independence Agency) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

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 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.

At the hearing, the Claimant advised that she no longer wished to proceed with her request for hearing regarding her Food Assistance (FAP) benefits as the benefits are currently active.

In the present case, the Department has agreed to reopen and reprocess the Claimant's FIP cash assistance case retroactive to February 1, 2011, the date of closure and to determine the Claimant's eligibility for FIP benefits.

The Department also agreed to process the Claimant's CDC benefits retroactive to the August 2010, and to supplement the claimant for CDC benefits from and after August 2010 for CDC benefits she was otherwise eligible to receive.

As a result of these agreements, 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 February 1, 2011, and shall determine the Claimant's eligibility for FIP cash assistance.

2. The Department shall reopen and reprocess the Claimant's CDC benefits retroactive to August 2010 and shall issue a supplement to the Claimant for any CDC benefits she was otherwise entitled to receive.
3. The claimant's request for hearing, dated March 21, 2011, regarding her FAP benefits is hereby dismissed as the issue has been resolved and the Claimant indicated on the record that she no longer wished to proceed with the hearing with regard to her FAP benefits.



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

Date Signed: 05/18/11

Date Mailed: 05/20/11

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: 
Wayne County DHS (Dist #55) / DHS-1843


Administrative Hearings