

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

IN THE MATTER OF:

[REDACTED]

Issue
Case
Hearing

Reg No: 2011 24018

No: 1003

No: [REDACTED]

Date:

[REDACTED]

Wayne County DHS (43)

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 hearings submitted on February 3, 2011. After due notice, a telephone hearing was conducted in Wayne County, Michigan on [REDACTED]. The Claimant was present and testified. [REDACTED], Jet Case Manager appeared on behalf of the Department.

ISSUE

Whether the Department properly closed the Claimant's Family Independence Program ("FIP") for non cooperation with Child Support.

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 Department sent the Claimant a Notice of Non Cooperation to the wrong address.
2. The Notice of Non Cooperation was not received by the Claimant.

3. The Claimant immediately cooperated when she received the Notice of Case Action dated [REDACTED]
4. The Department closed the Claimant's Cash Assistance case for the month of [REDACTED].
5. At the hearing, the Department agreed to issue a FIP Cash Assistance supplement to the Claimant for the month of [REDACTED].
6. At the hearing, the Claimant acknowledged that the issue regarding Food Assistance benefits had been resolved prior to the hearing and that she no longer wished to proceed with a hearing regarding that issue.
7. The Claimant filed a request for a hearing on [REDACTED], protesting the closure of her FIP case and reduction of her FAP benefits.

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 Reference Manual (BRM).

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 this case, the Department acknowledged that the Notice of Non Cooperation was sent to an incorrect address and that the Claimant did not receive proper notice. The Department agreed to issue a FIP supplement for the month of [REDACTED] when it closed the Claimant's FIP case for non cooperation with child support because the Claimant had no notice of the non cooperation and responded immediately when she was aware of the problem. Given these facts the Department agreed to reinstate the claimant's cash assistance case as of the date of closure and issue the Claimant a FIP supplement for the month of [REDACTED].

The Claimant indicated that this was acceptable and that she no longer wished to proceed with the hearing. Additionally, the Claimant also agreed to dismiss the issue regarding her FAP food assistance as the matter had been resolved by the Department prior to the hearing and the Claimant no longer wished to proceed with that issue. 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 and, therefore, it is unnecessary to render a decision.

Accordingly, it is ORDERED:

1. The Department shall reinstate the claimant's FIP case, if necessary, retroactive to the date of closure, and issue a supplement to the Claimant for FIP benefits for the month of [REDACTED].
2. The Claimant's request for a hearing regarding her FAP benefits is hereby dismissed as the issue has been resolved and the Claimant no longer wished to proceed with that issue.

[REDACTED]

Administrative
For
Department

Law Judge
Maura Corrigan, Director
of Human Services

Date Signed: 04/25/11

Date Mailed: 04/27/11

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: [REDACTED]
Wayne County DHS (Dist #43) / DHS-1843

[REDACTED]
Administrative Hearings