

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 201128450
Issue No: 1000
Case No: [REDACTED]
Hearing Date: October 13, 2011
Washtenaw County DHS-20

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 a hearing. After due notice, an in person hearing was held on October 13, 2011. The Claimant appeared and testified. Claimant's [REDACTED] of [REDACTED] appeared also. The Department was represented by Ms. Hardy (ES), and Ms. Gaffney (FIM).

ISSUE

Was the Department correct in determining Claimant's FIP eligibility?

FINDINGS OF FACT

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

1. Claimant applied for FIP on February 15, 2011.
2. Claimant had previously been receiving FIP in Wayne County and her case closed due to a child support noncompliance issue.
3. The Department denied the application due to noncompliance with the Office of Child Support.
4. Claimant was cooperative with the Office of Child Support as of September 2010.

5. Claimant filed a request for hearing on March 11, 2011 regarding the determination of FIP benefits.
6. The parties reached an agreement whereby the Department agreed to activate FIP benefits effective December 1, 2010 with a two-person household and for a three-person household effective March 1, 2011.

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 (DHS or Department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependant Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the 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 parties reached an agreement whereby Department agreed to activate FIP benefits effective December 1, 2010 for a two-person household and effective March 1, 2011 for a three-person household. 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. Claimant has unresolved issues with the Wayne County Department of Human Services and may be pursuing those issues in the future.

DECISION AND ORDER

The Department and Claimant have come to a settlement regarding Claimant's request for a hearing. Therefore it is ORDERED that the Department activate FIP benefits effective December 1, 2010 for a two-person household and effective March 1, 2011 for a three-person household. Any missed benefits shall be paid to Claimant in the form of a supplement.



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

Date Signed: October 17, 2011

Date Mailed: October 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 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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.

AM/tg

cc:

