

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

IN THE MATTER OF:

[REDACTED]

Reg. No. : 2011-28658
Issue No. : 1000
Case No.: [REDACTED]
Hearing Date: June 16, 2011
DHS County: Wayne (82-55)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 and Claimant [REDACTED] request for a hearing. After due notice, a telephone hearing was held on June 16, 2011. The Claimant appeared and testified at the hearing. [REDACTED] Family Independence Manager, appeared and testified for the Department of Human Services (DHS).

ISSUE

Whether DHS' February 3, 2011 Notice of Overissuance to Claimant for \$2,470 Family Independence Program (FIP) benefits is in error?

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 2010, Claimant was a recipient of FIP benefits for [REDACTED]
2. On December 28, 2010, the [REDACTED] children left Claimant's home.
3. Before the end of December, 2010, Claimant reported to DHS that the [REDACTED] children were no longer living with her.
4. On February 3, 2011, DHS issued a Notice of Noncompliance to Claimant, stating that she received an overissuance of \$2,470 FIP benefits from April 1, 2010-January 31, 2011.

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5. On February 22, 2011, Claimant filed a Request for a Hearing with DHS.
6. At the hearing on June 16, 2011, DHS agreed that an agency error occurred and that Claimant did not receive an overissuance of FIP benefits. DHS agreed to rescind the February 3, 2011 Notice of Overissuance.
7. As a result of DHS' agreement, Claimant testified she no longer wished to proceed with 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 USC 601 *et seq.* DHS administers the FIP program pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code Rules 400.3101-400.3131. Department policies are found in Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM) and Bridges Reference Tables (RFT). These manuals are available online at www.michigan.gov/dhs-manuals.

Under BAM 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 continue through the day of the hearing.

At the hearing the parties agreed to settle and resolve the situation with the remedy that DHS will rescind the February 3, 2011 Notice of Overissuance and will not pursue this assertion, which was issued in error. As a result of DHS' offer to rescind and revoke the claim, Claimant testified that she accepted this arrangement and she no longer wished to proceed with the Administrative Hearing.

As the parties have agreed to resolve the issue in this matter between themselves, it is not necessary for the Administrative Law Judge to decide it. Accordingly I will enter a stipulated order which incorporates the parties' agreement.

In conclusion, based on the parties' agreement, and based also on the findings of fact and conclusions of law above, IT IS HEREBY ORDERED that DHS will rescind the February 3, 2011 Notice of Overissuance as it was issued in error.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, states that in this case the parties have reached a stipulated agreement to resolve

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the case. Pursuant to the agreement of the parties, IT IS HEREBY ORDERED that DHS shall rescind and revoke the February 3, 2011 Notice of Overissuance, which was issued in error in this case ; and, DHS will not assert further its erroneous claim of overissuance in this case. All steps shall be taken in accordance with DHS policy and procedure.

IT IS SO ORDERED.



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

Date Signed: June 20, 2011

Date Mailed: June 21, 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/cl

cc:

