

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 30923

Issue No: 1038

Case No: [REDACTED]

Hearing Date:

May 25, 2011

Wayne County DHS (15)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 May 25, 2011. The Claimant was present and testified. Stephanie Dunwoody, Jet Worker and Kimberly Todd, Jet Coordinator appeared on behalf of the Department.

ISSUE

Whether the Department properly closed the Claimant's Family Independence Program Benefits ("FIP") (Cash) and imposed a three month sanction for non compliance with the Work First program.

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 assigned to attend a triage for non compliance with the Work First Program.

2. The Notice of Non Compliance, which scheduled the triage for March 16, 2011, was sent to the Claimant's old address and was not received by the Claimant. Exhibit 1
3. The Claimant did not attend the triage.
4. The Claimant was found to be in non compliance without good cause and her case was sanctioned and FIP case was closed for 3 months.
5. The Claimant's FIP case closed effective April 1, 2011.
6. The Department agreed to reinstate the Claimant's FIP case retroactive to the date of closure and to send a new Notice of Non Compliance to the Claimant at the correct address.
7. The Department further agreed to conduct a new triage and to delete the 3 month sanction it imposed and the first non compliance, which resulted from the first triage held on March 16, 2011 from the Claimant's case records.
8. As a result of these agreements, the Claimant indicated that she no longer wished to proceed with the hearing.

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 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 Department has agreed to reopen and reinstate the Claimant's FIP case retroactive to April 1, 2011, and to send the Claimant a Notice of Non Compliance at her new address. The Department also agreed to schedule a new triage. The Department further agreed to delete the finding of non compliance and 3 month sanction it imposed from the Claimant's case records.

As a result of this agreement, 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

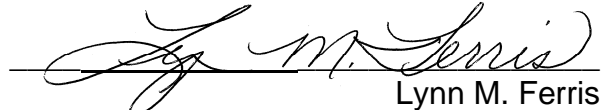
The Administrative Law Judge, based upon the findings of fact and conclusions of law, finds that the Department and Claimant have come to a settlement regarding claimant's request for a hearing.

Accordingly, it is ORDERED:

1. The Department shall reopen and reinstate the Claimant's FIP case retroactive to the date of closure, April 1, 2011, and shall conduct a new triage. The Department will issue a new Notice of Non Compliance and send it to the Claimant at her current address: [REDACTED]

[REDACTED].

2. The Department shall delete the finding of noncompliance and 3 month sanction it imposed, as a result of the March 16, 2011 triage, from the Claimant's case record.


Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 05/31/11

Date Mailed: 06/02/11

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]