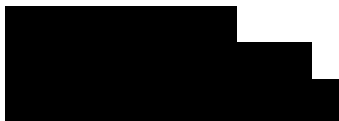


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No. 2011-37978
Issue Nos. 1000, 3000
Case No. [REDACTED]
Hearing Date: July 13, 2011
WAYNE (41)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37 and Claimant's request for a hearing. After due notice, a telephone hearing was held on July 13, 2011 in Detroit. Claimant appeared and testified. [REDACTED] Family Independence Manager, appeared and testified for the Department of Human Services (DHS).

ISSUE

1. Whether DHS terminated Claimant from the Family Independence Program (FIP) in accordance with its policies and procedures?
2. Whether Claimant's request to the Administrative Law Judge that her Food Assistance Program (FAP) complaint be dismissed from the hearing, should be granted?

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, DHS provided FIP and FAP benefits to Claimant.
2. DHS required Claimant to participate in the Jobs, Education and Training (JET) program in order to receive FIP and FAP benefits.
3. On October 11, 2010, Claimant was not assigned to a JET activity.

4. On December 2, 2010, DHS issued a Notice of Noncompliance stating that on October 11, 2011, Claimant was not in compliance with the JET program.
5. On December 9, 2010, DHS issued a Notice of Case Action informing Claimant that effective January 1, 2011, DHS would terminate Claimant's FIP benefits and decrease her FAP benefits to \$367 per month.
6. On January 3, 2011, Claimant submitted a Request for a Hearing to DHS.
7. At the Administrative Hearing on July 13, 2011, the Department agreed and offered to reinstate Claimant's FIP benefits, and to re-enroll her in the JET program.
8. At the hearing Claimant accepted the FIP settlement and testified that she was satisfied and no longer wished to proceed with the Administrative Hearing.
9. Also at the hearing, Claimant requested that the Administrative Law Judge dismiss the FAP issue from the hearing as she no longer wished to pursue it.

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 FIP pursuant to MCL 400.10 *et seq.*, and Michigan Administrative Code Rules (MACR) 400.3101-400.3131. Department policies are found in Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM) and Reference Tables (RFT). These manuals are available online at www.michigan.gov/dhs-manuals.

FAP was established by the U.S. Food Stamp Act of 1977 and is implemented by Federal regulations contained in Title 7 of the Code of Federal Regulations. DHS administers FAP pursuant to MCL 400.10 *et seq.* and MACR 400.3001-400.3015. Department policies are found in BAM, BEM and RFT. *Id.*

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 July 13, 2011 hearing, the Department agreed to reinstate Claimant's FIP case effective January 1, 2011, and re-enroll her in the JET program. As a result of this

agreement on the record, Claimant indicated she no longer wished to proceed with the hearing. Since the Claimant and DHS have come to an agreement, it is unnecessary for the Administrative Law Judge to make a decision regarding the FIP issue in this case.

In addition, at the hearing Claimant requested that the Administrative Law Judge dismiss the FAP portion of her complaint as she no longer wished to pursue it through the administrative hearing process. I will grant Claimant's request and DISMISS her FAP complaint.


DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, and the stipulated settlement agreement of the parties, states IT IS ORDERED THAT DHS will:

1. Revoke and rescind the December 2 and 9, 2010 FIP penalties;
2. Reinstate Claimant's FIP benefits to their original or other appropriate level;
3. Provide her with retroactive benefits for time periods in which she did not receive them;
4. Re-enroll Claimant in the JET program.

IT IS FURTHER ORDERED, at the Claimant's request, that Claimant's FAP complaint is HEREBY DISMISSED from this case.

All steps shall be taken in accordance with DHS policies and procedures.



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

Date Signed: July 14, 2011

Date Mailed: July 14, 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:

