

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

IN THE MATTER OF:



Reg. No.: 201138509
Issue No.: 1005
Case No.: [REDACTED]
Hearing Date: August 15, 2011
Wayne County DHS (49)

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 a hearing. After due notice, a telephone hearing was held on August 15, 2011. The claimant appeared and testified. [REDACTED], FIS appeared on behalf of the Department of Human Services

ISSUE

Whether the Department properly denied the Claimant's application for FIP cash assistance and Child Development and Care benefits.

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 applied for FIP cash assistance on March 14, 2011 and Child Development and Care (CDC) benefits.
2. The Claimant's application for FIP was denied when she failed to provide requested verifications.
3. The Claimant did provide the requested verifications on April, 22, 2011.
4. The Department sent a Notice of Case Action denying the Claimant's FIP application for failure to provide requested verifications.
5. At the hearing the Department agreed to reopen the Claimant's FIP application retroactive to the date of application and determine the Claimant's eligibility to

receive FIP cash assistance. The Department further agreed to issue a supplement to the Claimant for any FIP benefits she was otherwise entitled to receive, in accordance with Department policy. Because the claimant has a one month old newborn child, she is deferred from attending Work First for three months from the birth of her child and can reapply for CDC benefits when the deferral is over.

6. Based on the foregoing agreement by the Department, the Claimant no longer wished to continue 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 ("DHS" or "Department"), formerly known as the Family Independence Agency, administers the FIP program pursuant to MCL 400.10, *et seq* and Michigan Administrative Code Rules 400.3101-3131. 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 the present case, the Department has agreed to reopen and reinstate the Claimant's FIP application and to determine the Claimant's eligibility for FIP as of the application date, March 14, 2011. The Department also agreed to issue a supplement for FIP benefits she was otherwise entitled to receive, in accordance with Department policy.

Because the Claimant has a newborn infant the Department is required to defer the Claimant from attending Work First for 90 days from the birth of her child, and thus the claimant has no need basis for CDC benefits at this time. 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.

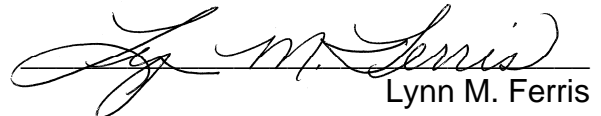
DECISION AND ORDER

201138509 /LMF

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 process the Claimant's FIP application retroactive to the date of application, March 14, 2011 and determine the Claimant's eligibility for FIP benefits.
2. The Department shall issue a supplement to the Claimant for FIP benefits she was otherwise entitled to receive in accordance with Department policy.


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

Date Signed: August 17, 2011

Date Mailed: August 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 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 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.

LMF/hw

cc:

