

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-44742  
Issue No.: 1000; 2000; 3000  
Case No.: [REDACTED]  
Hearing Date: August 31, 2011  
Wayne County DHS

**ADMINISTRATIVE LAW JUDGE:** Susan Burke

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on August 31, 2011 in Detroit, Michigan. Claimant appeared and testified. The Department of Human Services (Department) was represented by [REDACTED] JET Case Manager.

**ISSUE**

Was the Department correct in its decision to take negative action on Claimant's Food Assistance Program (FAP) and Family Independence Program (FIP) cases due to failure to cooperate in child support requirements?

**FINDINGS OF FACT**

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

1. Claimant was an ongoing FIP and FAP recipient.
2. The Department imposed a negative action, effective August 1, 2011 on Claimant's FIP and FAP cases due to failure to cooperate in child support requirements.
3. Claimant requested a hearing, protesting the negative action.
4. At the hearing, the Department agreed to remove the negative action on Claimant's FIP and FAP cases, and issue supplements, effective August 1, 2011 and ongoing.

5. As a result of the agreement, Claimant indicated she no longer wished to proceed with the hearing.
6. No negative action was taken on Claimant's Medical Assistance (MA) case.

### **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 administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM), which includes the Reference Tables (RFT.)

The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the FAP program pursuant to CML 400.10 *et seq.*, and MAC R 400.3001-3015. Department policies are found in the BAM, BEM and PRM.

Under BAM 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The Department provides an Administrative Hearing to review the decision and determine if it is appropriate. Department policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the Department receives a hearing request and continues through the day of the hearing.

In the present case the Department has agreed to remove the negative action from Claimant's FIP and FAP cases, which was effective August 1, 2011 and issue supplements to Claimant, effective August 1, 2011 and ongoing. 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.

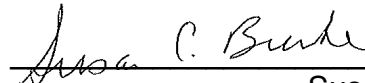
It is noted that Claimant also requested a hearing on MA, but at the hearing Claimant and the Department agreed that no negative action was taken on Claimant's MA case.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department and Claimant have come to a settlement regarding Claimant's request for a hearing. Therefore, it is ORDERED:

1. The Department shall remove the negative action on Claimant's FIP and FAP cases, which was effective August 1, 2011.
2. The Department shall initiate reinstatement of Claimant's FIP case, effective August 1, 2011.
3. The Department shall initiate restoration of Claimant's FAP benefits, effective August 1, 2011.
4. The Department shall issue to Claimant FIP and FAP supplements, effective August 1, 2011 and ongoing, if Claimant is found to be otherwise eligible.

It is further ORDERED that Claimant's request for hearing regarding MA is DISMISSED pursuant to BAM 600.

  
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Susan Burke  
Administrative Law Judge  
For Maura Corrigan Director  
Department of Human Services

Date Signed: 9/8/11

Date Mailed: 9/8/11

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**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.

SB/MF

cc:

