

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

IN THE MATTER OF:



Reg. No. 2011-46570
Issue No. 1000
Case No. [REDACTED]
Hearing Date: September 7, 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 September 7, 2011, in Detroit, Michigan. Claimant appeared and testified. [REDACTED] also appeared on behalf of Claimant. The Department of Human Services (Department) was represented by JET Specialist [REDACTED] and JET Coordinator [REDACTED].

ISSUE

Was the Department correct in its decision to impose a negative action on Claimant's Family Independence Program (FIP) case, close Claimant's FIP case, and decrease Claimant's Food Assistance Program (FAP) 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 Department imposed a negative action on Claimant's FIP case, and, effective August 1, 2011, closed Claimant's FIP case and decreased Claimant's FAP benefits due to failure to participate in employment-related activities.
2. Claimant requested a hearing, protesting the negative action.
3. At the hearing, the Department agreed to remove the negative action on Claimant's FIP case, reinstate Claimant's FIP case and restore Claimant's FAP benefits, effective August 1, 2011, if Claimant otherwise is eligible, and issue supplements.

4. As a result of this agreement, 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 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.)

FAP 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 administers the FAP program pursuant to CML 400.10 *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual, which includes the Reference Tables (RFT).

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 on Claimant's FIP case, and, effective August 1, 2011, reinstate Claimant's FIP case and restore Claimant's FAP benefits, if Claimant is otherwise eligible for FIP and FAP, and issue Claimant supplements. 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

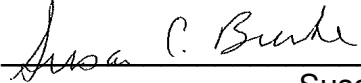
DECISION AND ORDER

The Administrative Law Judge, based upon the 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 case.

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2. The Department shall initiate reinstatement of Claimant's FIP case and restoration of Claimant's FAP benefits, effective August 1, 2011, if Claimant is otherwise eligible.
3. The Department shall issue supplements for any missed or increased FIP or FAP payments, effective August 1, 2011 and ongoing.



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

Date Signed: 9/15/11

Date Mailed: 9/16/11

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.

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