

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.: 2011-765
Issue No.: 1000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: December 8, 2010
DHS County: Oakland (04)

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 [REDACTED] request for a hearing. After due notice, a telephone hearing was held on December 8, 2010. Claimant appeared and testified. [REDACTED] appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether Claimant is entitled to Family Independence Program (FIP) benefits from September 24, 2010, to the present?

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, Claimant was a recipient of FIP benefits.
2. On or about September 24, 2010, Claimant suffered a loss of employment resulting in a reduced income.
3. Claimant was unable to provide verification of the loss of employment and needs assistance in this regard.
4. Claimant's FIP grant was reduced.
5. On September 20, 2010, Claimant filed a notice of hearing request with DHS.

6. At the hearing on December 8, 2010, DHS agreed to assist Claimant in getting verification that her employment ended on or about September 24, 2010, and, if it is obtained, to restore and supplement her FIP benefits to the appropriate level.
7. Claimant indicated at the hearing that as a result of DHS' agreement to assist her, she no longer wished to continue the administrative hearing process.

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

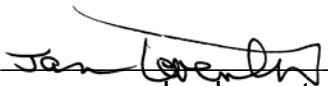
Under BAM Item 600, clients have the right to contest any DHS decision affecting eligibility or benefit levels whenever they believe the decision is illegal. DHS provides an Administrative Hearing to review the decision and determine if it is appropriate. DHS policy includes procedures to meet the minimal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

At the hearing, the parties agreed to settle and resolve the situation with the remedy that DHS will assist Claimant in getting verification that her employment ended on or about September 24, 2010. If this can be verified, DHS agrees to restore and supplement Claimant's FIP benefits to the appropriate level as of Claimant's last day worked. Pursuant to the stipulated settlement agreement of the parties to this effect, IT IS SO ORDERED.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, states that in this case, the parties have reached a stipulated agreement to resolve the case. Pursuant to the agreement of the parties, IT IS HEREBY ORDERED that DHS shall assist Claimant to obtain verification of loss of work and, if appropriate, restore her FIP benefits to their appropriate level and supplement them retroactively.

IT IS SO ORDERED.



Jan Leventer
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: December 13, 2010

Date Mailed: December 14, 2010

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/pf

cc:

