

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201216596
Issue No: 1000
Case No: [REDACTED]
Hearing Date: February 2, 2012
Muskegon County DHS

ADMINISTRATIVE LAW JUDGE: Christopher S. Saunders

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 February 2, 2012. The claimant personally appeared and provided testimony.

ISSUES

Whether the department properly withheld the claimant's FIP supplement for the month of October, 2011?

FINDINGS OF FACT

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

1. The claimant was a recipient of FIP benefits.
2. On September 1, 2011, the claimant was sent a notice of case action (DHS 1605) stating that her FIP benefits would be closing due to noncooperation with child support. (Department Exhibit 6).
3. The claimant's FIP case was erroneously closed due to noncooperation with child support.
4. The department attempted to reinstate benefits when the child support error was discovered but was unable to do so due to the claimant exceeding the federal time limits. (Department Hearing Summary).
5. The claimant did not receive a supplement for the month of October. (Department Hearing Summary).

6. On November 2, 2011, the claimant filed a hearing request due to not receiving a FIP supplement for the month of October.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1)

Clients have the right to contest a department decision affective eligibility for benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

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) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In the case at hand, the department representative testified that the claimant was entitled to the FIP supplement for the month of October, 2011. The department representative further testified that when she became aware that the claimant did not receive the supplement she attempted to have the supplement issued but it was after the date that requests for supplements were required to be filed by and therefore was unable to issue the supplement for the claimant. The department representative further testified that the claimant would have received the supplement had her case not been erroneously closed as a result of the false noncooperation with child support.

MCL 24.278(2) provides a disposition may be made of a contested case by stipulation or agreed settlement. In the case at hand, the department representative testified that the claimant is entitled to the FIP supplement for the month of October, 2011. The claimant filed a hearing request because she was arguing that she should have received said supplement. Therefore, the parties agree as to what the proper course of action to be taken in this matter should be. Because both parties agree as to what action should be taken to resolve the issue, this action may be disposed of by stipulation.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did not properly issue the claimant's FIP supplement for the month of October, 2011.

Accordingly, the department's actions are **REVERSED**.

It is HEREBY ORDERED that if the claimant is otherwise eligible, the department shall issue the claimant's FIP supplement for the month of October, 2011.

/s/

Christopher S. Saunders
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: March 2, 2012

Date Mailed: March 5, 2012

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 60 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.

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