

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

IN THE MATTER OF:



Reg. No: 201226490
Issue No: 1038
Case No: [REDACTED]
Hearing Date: March 1, 2012
St. Clair 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 March 2, 2012. The claimant personally appeared and provided testimony.

ISSUES

Did the department properly terminate and sanction the claimant's Family Independence Program (FIP) benefits for noncompliance with Work First/Jobs, Education and Training (WF/JET) requirements?

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 applied for FIP benefits and was referred to the WF/JET program as a mandatory participant.
2. On January 4, 2012, the claimant was sent a work participation program appointment notice advising the claimant that he had an appointment for the WF/JET program on January 17, 2012. (Department Exhibit 4).
3. The department asserted that the claimant did not attend the appointment on January 17, 2012.
4. On January 6, 2012, the claimant was sent a notice of case action (DHS 1605) stating that his FIP case would be closing for a period of three months due to a first instance of noncompliance. (Department Exhibits 2-3).

5. On January 11, 2012, the claimant filed a hearing request protesting the closure of his FIP case.

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's FIP case was terminated and sanctioned due to his failure to attend the appointment as requested. However, the claimant brought proof to the hearing that he did in fact attend that appointment. The department representative testified that the information provided by the claimant did show that he did in fact attend the requested appointment. The department representative then testified that it appeared that the claimant was in fact in compliance with the WF/JET requirements. The department representative stated that in light of the evidence supplied by the claimant, the department would be willing to reinstate the claimant's FIP benefits back to the date of negative action and, if applicable, issue any past due benefits due and owing. The claimant agreed that this course of action would satisfy his need for a hearing.

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 was in compliance with the WF/JET program and that his benefits should be reinstated back to the date of negative action. The claimant agreed that this was the proper course of action to take in his case. 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 terminate and sanction the claimant's FIP case for failure to comply with the WF/JET program requirements.

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

It is HEREBY ORDERED that if the claimant is otherwise eligible, the department shall reinstate the claimant's FIP benefits back to the date of negative action, allow the claimant to re-engage the WF/JET program, and if applicable, issue any past due benefits due and owing that the claimant is otherwise eligible to receive.

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

Date Signed: March 5, 2012

Date Mailed: March 6, 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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