

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

IN THE MATTER OF:



Reg. No: 201228158
Issue No: 1000
Case No: [REDACTED]
Hearing Date: March 15, 2012
Saginaw 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 15, 2012. The claimant personally appeared and provided testimony.

ISSUE

Whether the department properly supplemented the claimant's Family Independence Program (FIP) benefits?

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 13, 2011, the claimant was sent a notice of case action stating that her FIP case was closing due to her failure to submit the requested verifications. (Department Hearing Summary).
3. The claimant had submitted the requested verifications on September 8, 2011. (Department Hearing Summary).
4. The department requested a FIP supplement for the claimant on October 21, 2011 and said request was denied. (Department Hearing Summary).
5. The claimant filed a hearing request on November 4, 2011 requesting the issuance of the FIP supplement.

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 from the information available, it appeared that the claimant's FIP case was closed in error and that she should be issued any supplements for months that her FIP benefits were closed; specifically the month of October, 2011. The claimant testified that this proposed action would alleviate her 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 department was willing to issue a FIP supplement for the claimant for the month of October, 2011. The claimant agreed that this was the proper course of action to be taken. 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 a supplement for the claimant's FIP benefits for the month of October, 2011.

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

It is HEREBY ORDERED that if the claimant is found to be otherwise eligible, the department shall issue the claimant a supplement for FIP benefits 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 16, 2012

Date Mailed: March 16, 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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