

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201252983
Issue No.: 1000
Case No.: [REDACTED]
Hearing Date: June 14, 2012
County: Wayne DHS (57)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

SETTLEMENT ORDER

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on June 14, 2012, from Detroit, Michigan. Participants included the above named claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] Specialist, and [REDACTED], Manager.

ISSUE

The issue is whether DHS properly denied Claimant's application for Family Independence Program (FIP) benefits after determining that Claimant failed to verify a stoppage in unemployment compensation (UC) 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. On 2/15/12, Claimant applied for FIP benefits.
2. On an unspecified subsequent date, Claimant submitted a letter to DHS verifying that he stopped receiving UC benefits.
3. DHS doubted the authenticity of Claimant's submitted letter and subsequently determined Claimant's FIP benefit eligibility without any regard for the content of the letter.
4. Claimant last received UC benefits on 2/8/12.

5. On 4/2/12, DHS denied Claimant's application for FIP benefits, in part, on a projection of UC income received by Claimant following 2/8/12.
6. On 5/8/12, Claimant requested a hearing to dispute the denial of his FIP benefit application dated 2/15/12.
7. DHS agreed that Claimant's application was improperly denied by counting UC income which Claimant never received.

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.* DHS administers the FIP pursuant to MCL 400.10, *et seq* and MAC R 400.3101-3131. DHS policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24.278(2). In the present case, Claimant requested a hearing to dispute the denial of a FIP benefit application. DHS denied the application based on excess income. The DHS budget supporting the denial factored unspecified ongoing UC income for Claimant. Claimant testified that he was not receiving UC income at the time of his application and that he submitted a letter to DHS verifying the income stoppage to DHS. DHS acknowledged that Claimant last received UC income on 2/8/12 and that the application was improperly denied. DHS proposed to reinstate Claimant's application and to process the application based on income actually received by Claimant. Claimant agreed to the DHS proposal. As the agreement appears to comply with DHS regulations, the settlement among the parties shall be accepted.

DECISION AND ORDER

The Administrative Law Judge concludes that the Department and Claimant have come to a settlement regarding Claimant's request for a hearing.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING:

1. reinstate Claimant's application for FIP benefits dated 2/15/12;
2. process Claimant's application based on Claimant's verified UC payment history;
and

3. supplement Claimant for any FIP benefits not received due to the improper application denial.

Christian Gardocki

Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 21, 2012

Date Mailed: June 21, 2012

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases).

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.

CG / hw

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