

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

**IN THE MATTER OF:**



Reg. No: 201263469  
Issue No: 1038  
Case No: [REDACTED]  
Hearing Date: August 14, 2012  
Wayne 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 August 14, 2012. The claimant personally appeared and provided testimony.

**ISSUE**

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 submitted an application for FIP benefits and was referred to the WF/JET program as a mandatory participant.
2. On May 12, 2012, the claimant was sent a notice of noncompliance due to alleged noncompliance with the WF/JET program and a triage was scheduled for May 24, 2012.
3. After the triage, the department determined that the claimant did not have good cause as there was no medical documentation submitted by the due date as requested by the department.
4. The department sent the claimant a notice of case action (DHS 1605) on June 27, 2012, stating that her FIP case would be closing for a period of three months due to a first instance of noncompliance.

5. On July 3, 2012, the claimant filed a request for hearing protesting the closure of her 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 advised her of a medical condition that showed good cause for the claimant. The department representative testified that the claimant had presented good cause for her noncompliance. The department representative testified that because the claimant had presented good cause, her benefits should be reinstated back to the date of negative action. The claimant testified that she felt that this was the appropriate course of action for the department to take.

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 should reinstate the claimant's FIP benefits back to the date of negative action. 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 terminate and sanction the claimant's FIP case.

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

It is HEREBY ORDERED that if the claimant is otherwise eligible, the department shall reinstate her FIP benefits back to the date of negative action and, if applicable, issue any past due benefits due and owing that the claimant is otherwise eligible to receive. The department shall also consider the claimant for a deferral from the WF/JET program based on the claimant's medical condition or allow the claimant to re-engage the WF/JET program if she is not eligible for a deferral.

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

Date Signed: August 28, 2012

Date Mailed: August 29, 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.

CSS/cr

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