

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201266923
Issue No.: 1000
Case No.: [REDACTED]
Hearing Date: January 17, 2013
County: Wayne DHS (43)

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, an in-person hearing was held on January 17, 2013, from Highland Park, Michigan. Participants included the above-named claimant. [REDACTED]

[REDACTED] appeared as Claimant's authorized hearing representative. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist, and [REDACTED], Manager.

ISSUE

The issue is whether DHS properly processed Claimant's TC-60 Family Independence Program (FIP) benefit application

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 5/17/12, Claimant submitted a FIP benefit application to DHS.
2. Claimant's application met the requirements for a "TC-60" application which requires DHS to register the application for 2/29/12.
3. DHS registered Claimant's application for 5/17/12 and subsequently approved Claimant for FIP benefits beginning 6/16/12.
4. On 9/25/12, Claimant requested a hearing to dispute the failure by DHS to issue FIP benefits for the period of 3/16/12-6/15/12.

5. DHS conceded that Claimant is entitled to a FIP benefit determination for the period of 3/16/12-6/15/12 due to the failure to recognize Claimant's application as a TC-60 application.

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 a failure by DHS to process her FIP benefit eligibility for the period of 3/16/12-6/15/12. During the hearing, the parties testified that they reached a settlement concerning the disputed action. Consequently, the Department agreed to re-register Claimant's FIP benefit application dated 5/17/12 for 2/29/12 so that a FIP benefit determination could be made for the period of 3/16/12-6/15/12. Claimant accepted 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, based upon the above findings of fact, conclusions of law and by agreement of the parties, finds that DHS improperly failed to determine Claimant's FIP benefit eligibility. It is ordered that DHS:

- (1) re-register Claimant's application dated 5/17/12 for 2/29/12 so that it is recognized as a TC-60 application; and
- (2) initiate the process to supplement Claimant for FIP benefits, if any, for the period of 3/16/12-6/15/12.

The actions taken by DHS are REVERSED.



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

Date Signed: January 23, 2013

Date Mailed: January 23, 2013

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

cc:

