

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

IN THE MATTER OF:

T [REDACTED]
[REDACTED]

Reg. No.: 201267636
Issue No.: 1000
Case No.: [REDACTED]
Hearing Date: October 8, 2012
County: Wayne DHS (19)

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 October 8, 2012, from Detroit, Michigan. Participants included the above named claimant. Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Specialist, and [REDACTED], Manager.

ISSUE

The issue is whether DHS properly terminated Claimant's eligibility for Family Independence Program (FIP) benefits due to an alleged noncompliance with Work Participation Program (WPP).

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Claimant was an ongoing FIP benefit recipient.
2. On an unspecified date, Claimant presented DHS with documentation supporting a deferral from WPP participation on the basis of a physical disability.
3. DHS failed to evaluate Claimant for a deferral from WPP participation.
4. DHS subsequently sent Claimant to attend WPP and Claimant allegedly failed to attend.

5. On 7/23/12, DHS initiated termination of Claimant's FIP benefit eligibility effective 9/2012 due to alleged noncompliance with WPP participation.
6. On 7/31/12, Claimant requested a hearing to dispute the FIP benefit termination

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).

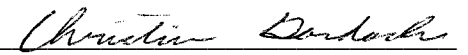
The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24.278(2). In the present case, Claimant requested a hearing to dispute a FIP benefit termination due to an alleged failure to participate with WPP. Soon after commencement of the hearing, the parties testified that they had reached a settlement concerning the disputed action. DHS acknowledged that Claimant submitted medical documents to DHS which should have deferred Claimant from WPP participation during a time when Claimant was allegedly noncompliant with WPP participation. DHS proposed to reinstate Claimant's FIP benefit eligibility effective 9/2012. 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 the termination of FIP benefits was improper. It is ordered that DHS:

- (1) redetermine Claimant's FIP benefit eligibility, effective 9/2012, subject to the finding that Claimant should have been deferred from WPP participation;
- (2) supplement Claimant for any benefits lost as a result of the improper finding of noncompliance; and
- (3) remove any disqualification from Claimant's history as a result of the improper finding of noncompliance.

The actions taken by DHS are REVERSED.


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

201267636/CG

Date Signed: 10/17/2012

Date Mailed: 10/17/2012

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

cc:

