

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

IN THE MATTER OF:



Reg. No.: 201271091
Issue No.: 1000
Case No.:
Hearing Date: September 17, 2012
County: Wayne DHS (31)

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 September 17, 2012, from Detroit, Michigan. Participants included the above named claimant. Participants on behalf of the Department of Human Services (Department) included , Specialist.

ISSUE

The issue is whether DHS properly processed Claimant's application for 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. On 6/29/12, Claimant applied for FIP, Medical Assistance (MA) and Food Assistance Program (FAP) benefits.
2. DHS experienced technical issues causing a delay in the application processing.
3. On 8/10/12, Claimant requested a hearing to dispute the failure by DHS to process Claimant's eligibility for FIP, MA and FAP benefits.
4. On an unspecified date subsequent to 8/10/12, DHS approved Claimant's eligibility for MA and FAP benefits.

5. On an unspecified date subsequent to 8/10/12, DHS denied Claimant's eligibility for FIP benefits.
6. DHS conceded that the FIP benefit denial was improper.

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, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and 1999 AC, Rule 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM) and the Bridges Eligibility Manual (BEM).

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 timely process an application requesting FAP, MA and FIP benefits. It was not disputed that the FAP and MA benefits were processed by DHS resulting in an approval for Claimant. Claimant agreed that she no longer has a dispute concerning FAP and MA eligibility. Claimant maintained her dispute concerning FIP benefits.

DHS provided testimony that Claimant's eligibility for FIP benefits was processed resulting in a denial of eligibility. DHS conceded that the denial was improper due to a failure to give Claimant notice to attend a Work Participation Program (WPP) orientation. DHS proposed to reinstate Claimant's application from 6/29/12 and to offer Claimant an opportunity to attend a second WPP orientation. 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 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 dated 6/29/12 for FIP benefits; and
2. process Claimant's application subject to the agreement that Claimant has not received notice to attend a WPP orientation.



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

201271091/CG

Date Signed: 9/21/2012

Date Mailed: 9/21/2012

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

cc:

