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

IN THE MATTER OF:

[redacted]

Reg. No.: 201273044
Issue No.: 1000
Case No.: [redacted]
Hearing Date: October 25, 2012
County: Wayne DHS (55)

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 25, 2012, from Detroit, Michigan. Participants included the above named claimant. Participants on behalf of the Department of Human Services (DHS) included [redacted], Manager.

ISSUE

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

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 unspecified dates, DHS mailed Claimant notices to attend a WPP orientation and to attend a subsequently scheduled triage.

2. Claimant failed to attend the orientation and triage because she did not receive the notices.

3. On 8/27/12, DHS initiated termination of Claimant's FIP benefit eligibility effective 9/2012.

4. On 9/4/12, Claimant requested a hearing to dispute the FIP benefit termination.

5. DHS agreed to reinstate Claimant's FIP benefit eligibility because Claimant did not receive the DHS notices.

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 Mich Admin Code, R 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are contained 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. DHS clarified that the FIP benefit termination was based on Claimant's failure to attend a WPP orientation. Claimant presented documentary evidence to DHS which convinced DHS that Claimant never received the notice to attend the WPP orientation or of a subsequently held triage. Soon after commencement of the hearing, the parties testified that they had reached a settlement concerning the disputed action. Consequently, DHS agreed to reinstate Claimant's FIP benefit eligibility, effective 9/2012, and to remove any applicable disqualification associated with the FIP benefit closure. Claimant agreed to the proposal. As the agreement appears to comply with DHS regulations, the settlement between 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 FIP benefit eligibility effective 9/2012;
2. supplement Claimant for any FIP benefits not received as a result of the improper benefit termination; and
3. remove any relevant disqualification from Claimant's disqualification history.

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

Date Signed: 10/30/2012

Date Mailed: 10/30/2012

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: [redacted]