

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201329948
Issue No.: 1000, 6000
Case No.: [REDACTED]
Hearing Date: March 25, 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, a telephone hearing was held on March 25, 2013, from Detroit, Michigan. Participants included the above-named claimant. Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUES

The first issue is whether DHS properly denied Claimant's application for Family Independence Program (FIP) benefits.

The second issue is whether DHS properly determined Claimant's Child Development and Care (CDC) eligibility.

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 CDC benefit recipient.
2. On 12/11/12, Claimant applied for FIP benefits.
3. Claimant is the caretaker for three minor children.
4. DHS approved Claimant's CDC eligibility for one of her 3 minor children.

5. On an unspecified date, DHS sent Claimant to attend Work Participation Program (WPP) orientation.
6. Claimant failed to attend the WPP orientation due to DHS' failure to provide CDC benefits for all of Claimant's children.
7. On 1/15/13, DHS denied Claimant's FIP benefit application due to Claimant's failure to attend WPP.
8. On 2/19/13, Claimant requested a hearing to dispute the FIP application denial and DHS' failure to provide CDC benefits for all three of her children.

CONCLUSIONS OF LAW

The Food Assistance Program (formerly known as the Food Stamp Program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). DHS administers the FAP pursuant to Michigan Compiled Laws 400.10, *et seq.*, and Michigan Administrative Code R 400.3001-3015. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

The Child Development and Care (CDC) program was established by authority of the Social Security Act and the Child Care and Development Block Grant Act. The Department of Education (MDE) administers the program and sets rates and eligibility criteria. The Department of Health and Human Services (HHS) administers the program on the federal level. The Department of Human Services (DHS) is responsible for eligibility determination for the CDC program. DHS policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

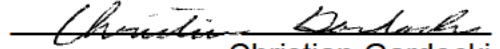
The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24.278(2). On 2/19/13, Claimant requested a hearing to dispute actions by DHS concerning FIP and CDC benefit eligibility. During the hearing, DHS conceded that Claimant's CDC benefit eligibility failed to factor two of Claimant's minor children. DHS also conceded that this failure impacted Claimant's ability to attend WPP orientation. DHS proposed to reinstate Claimant's FIP benefit application dated 12/11/12. DHS also proposed to determine CDC benefit eligibility for all three of Claimant's minor children. Claimant accepted the DHS proposals as a satisfactory resolution for her dispute. 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 DHS 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 application dated 12/11/12, subject to the finding that DHS failed to evaluate Claimant's CDC eligibility prior to sending Claimant to attend WPP; and
2. determine Claimant's CDC benefit eligibility for all three of Claimant's children.


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

Date Signed: 3/29/2013

Date Mailed: 3/29/2013

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:

