

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

**IN THE MATTER OF:**

██████████  
████████████████████  
████████████████████

Reg. No.: 2013-32944  
Issue No.: 1000  
Case No.: ██████████  
Hearing Date: June 12, 2013  
County: Oakland (03)

**ADMINISTRATIVE LAW JUDGE:** Eric Feldman

**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 June 12, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ Partnership. Accountability. Training. Hope. (PATH) Coordinator.

**ISSUES**

Whether the Department properly closed Claimant's case for Family Independence Program (FIP) benefits effective March 1, 2013, ongoing, based on Claimant's failure to participate in employment-related activities without good cause?

Whether the Department properly closed Claimant's case for FIP benefits effective March 1, 2013, ongoing, based on Claimant's failure to submit a completed redetermination?

**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 and was required to participate in employment-related activities.
2. On January 31, 2013, the Department sent Claimant a redetermination packet, which was due by February 15, 2013. Exhibit 1.

3. On January 31, 2013, the Department also sent Claimant a Redetermination Telephone Interview letter which was scheduled on February 15, 2013. Exhibit 1.
4. Claimant submitted a completed redetermination packet on an unspecified date.
5. Claimant was referred to the PATH program for employment-related activities in January and February of 2013. See Exhibit 1.
6. Claimant failed to attend the employment-related activities in January and February of 2013.
7. On February 13, 2013, the Department sent Claimant a Notice of Case Action closing Claimant's FIP case, effective March 1, 2013, ongoing, based on a failure to participate in employment-related activities without good cause. Exhibit 1.
8. On February 13, 2013, the Department sent Claimant a Notice of Noncompliance scheduling Claimant for a triage appointment on February 19, 2013. Exhibit 1.
9. On February 16, 2013, the Department sent Claimant a Notice of Case Action closing Claimant's FIP case, effective March 1, 2013, ongoing, based on Claimant's failure to submit a completed redetermination. Exhibit 1.
10. On February 27, 2013, Claimant filed a request for hearing, protesting the closure of her FIP benefits. Exhibit 2.

### **CONCLUSIONS OF LAW**

Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), the Reference Tables Manual (RFT), and the State Emergency Relief Manual (ERM).

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.

As a preliminary matter, the Department closed Claimant's FIP benefits due to (i) her failure to submit a redetermination and (ii) for her failure to attend the employment-related activities. See Exhibit 1. Based on Claimant's failure to attend the employment-related activities, the Department imposed a six-month sanction because this was Claimant's second noncompliance. See Exhibit 1. However, it was discovered during

the hearing that Claimant's FIP benefits were restored effective May 1, 2013, ongoing. See Exhibit 3. The Department testified that it received Claimant's redetermination packet and processed it. Moreover, the Department also testified that Claimant was not imposed with a second noncompliance. See Exhibit 3. The Department presented as evidence Claimant's FIP Eligibility Summary which indicated that Claimant did not receive FIP benefits for March and April of 2013. Exhibit 3. Thus, soon after commencement of the hearing, the parties testified that they had reached a settlement concerning Claimant's FIP benefits for the months of March and April of 2013.

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 the Department's action. Consequently, the Department agreed to do the following: (i) removal of any second noncompliance from Claimant's disqualification history; (ii) begin reinstating Claimant's FIP case for March and April of 2013; (iii) begin recalculating the FIP budget for March and April of 2013, in accordance with Department policy; (iv) begin issuing supplements to Claimant for any FIP benefits she was eligible to receive but did not for March and April of 2013; and (v) notify Claimant of its decision in accordance with Department policy.

As a result of this settlement, Claimant no longer wishes to proceed with the hearing. As such, it is unnecessary for this Administrative Law Judge to render a decision regarding the facts and issues in this case.

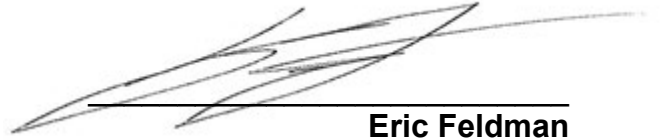
### **DECISION AND ORDER**

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. Remove any second noncompliance from Claimant's disqualification history;
2. Begin reinstating Claimant's FIP case for March and April of 2013;
3. Begin recalculating the FIP budget for March and April of 2013, in accordance with Department policy;
4. Begin issuing supplements to Claimant for any FIP benefits she was eligible to receive but did not for March and April of 2013; and

5. Notify Claimant of its decision in accordance with Department policy.



**Eric Feldman**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: June 20, 2013

Date Mailed: June 20, 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.

EJF/cl

cc: [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
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