

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

IN THE MATTER OF:



Reg. No: 201315967
Issue No: 1038
Case No: [REDACTED]
Hearing Date: January 17, 2013
Jackson County DHS

ADMINISTRATIVE LAW JUDGE: Christopher S. Saunders

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on January 17, 2013. The claimant personally appeared and provided testimony.

ISSUES

Did the department properly deny the 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. The claimant applied for FIP benefits.
2. On November 19, 2012, the claimant was sent a notice of case action (DHS 1605) stating that her application was denied as she had accumulated three noncompliance penalties from the WF/JET program and she had a lifetime sanction as a result of those noncompliance penalties.
3. On December 3, 2012, the claimant filed a request for hearing, protesting the denial of her FIP application.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1)

Clients have the right to contest a department decision affective eligibility for benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

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.* The Department of Human Services (DHS or department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In the case at hand, the department representatives testified that upon further review, it appeared that the claimant did not have three noncompliance penalties, rather she only had two. The department representatives testified that it appeared that the claimant was given good cause in one instance and that said instance was erroneously entered as a noncompliance. The department representatives then testified that the claimant's application should not have been denied due to a lifetime sanction and that her case should be amended to reflect only two noncompliance penalties. The department agreed to amend the claimant's noncompliance record and reprocess her November 19, 2012 FIP application, issuing any past due benefits that the claimant is determined to be otherwise eligible to receive. The claimant agreed that this was the proper course of action for the department to take.

MCL 24.278(2) provides a disposition may be made of a contested case by stipulation or agreed settlement. In the case at hand, the department representative testified that the department would amend the claimant's noncompliance record to reflect only two instances of noncompliance, reprocess the claimant's November 19, 2012 application, and if the claimant is found to be otherwise eligible, issue benefits in accordance with policy and issue any past due benefits that may be due and owing. The claimant agreed that this was the proper course of action to take in his case. Therefore, the parties agree as to what the proper course of action to be taken in this matter should be. Because both parties agree as to what action should be taken to resolve the issue, this action may be disposed of by stipulation.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department improperly denied the claimant's application for FIP benefits.

Accordingly, the department's actions are **REVERSED**.

It is HEREBY ORDERED that the department shall amend the claimant's noncompliance record to reflect only two instances of noncompliance. The department shall also initiate a redetermination of the claimant's November 19, 2012 FIP application. If the claimant is found to be otherwise eligible, the department shall issue benefits in accordance with policy and, if applicable, issue any past due benefits due and owing that the claimant is otherwise eligible to receive.

/s/
Christopher S. Saunders
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: January 18, 2013

Date Mailed: January 22, 2013

NOTICE: Administrative Hearings 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. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 60 days of the filing of the original request.

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.

CSS/hj

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