

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

IN THE MATTER OF:

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

Reg. No.: 2013-51828
Issue Nos.: 1000;3000
Case No.: ██████████
Hearing Date: July 10, 2013
County: Wayne (19)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

HEARING DECISION

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 July 10, 2013, from Detroit, Michigan. Claimant appeared and testified. Participating on behalf of the Department of Human Services (Department) was ██████████ PATH Case Manager.

ISSUE

Did the Department properly close Claimant's Family Independence Program (FIP) case and reduce her Food Assistance Program (FAP) benefits due to a failure to participate in employment and/or self-sufficiency-related activities without good cause?

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 recipient of FIP and FAP benefits.
2. On March 26, 2013, the Department sent Claimant a Notice of Case Action informing her that the Department intended to terminate her FIP benefits and reduce her FAP benefits effective May 1, 2013 for failure to participate in employment and/or self-sufficiency-related activities without good cause. (Exhibit 1)

3. On June 6, 2013, Claimant filed a request for hearing disputing the Department's action.

CONCLUSIONS OF LAW

Department policies are found in the Department of Human Services Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), Reference Tables Manual (RFT), and 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 Mich Admin Code, R 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) 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). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3001 through R 400.3015.

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 was an ongoing recipient of FIP and FAP benefits and requested a hearing to dispute the Department's closure of her cases due to noncompliance without good cause. Soon after commencement of the hearing, the parties testified that they had reached a settlement concerning the disputed action. At the hearing, the Department testified that it acted in error when it referred Claimant to the work participation program, as there was evidence in her case file that Claimant had a lifetime disability which is grounds for deferral from participation in the work program. The Department testified that it improperly closed Claimant's FIP case effective May 1, 2013 and imposed a six month sanction on her case. Additionally, because Claimant was found in noncompliance with her FIP case, the Department disqualified her as a FAP group member, thereby reducing her FAP benefits effective May 1, 2013.

Consequently, the Department agreed to do the following: (i) remove the sanctions that were imposed on Claimant's FIP and FAP cases; (ii) initiate reinstatement of Claimant's FIP case effective May 1, 2013 in accordance with Department policy; (iii) begin recalculating the FAP budget to include Claimant as a qualified FAP group member for May 1, 2013 ongoing; (iv) begin issuing supplements to Claimant for any FIP and FAP benefits that she was entitled to receive but did not from May 1, 2013, ongoing; and (v) notify Claimant of its decision in writing 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, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department and Claimant have come to a settlement regarding Claimant's request for a hearing with regards to FIP and FAP.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING:

1. Remove the sanctions that were imposed on Claimant's FIP and FAP cases;
2. Initiate reinstatement of Claimant's FIP case effective May 1, 2013 in accordance with Department policy;
3. Begin recalculating the FAP budget to include Claimant as a qualified FAP group member for May 1, 2013 ongoing in accordance with Department policy;
4. Begin issuing supplements to Claimant for any FIP and FAP benefits that she was entitled to receive but did not from May 1, 2013, ongoing; and
5. Notify Claimant of its decision in writing in accordance with Department policy.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 17, 2013

Date Mailed: July 17, 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.

2013-51828/ZB

ZB/cl

cc:

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