

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

IN THE MATTER OF:

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

Reg. No.: 2013-55254
Issue No.: 1000; 6000
Case No.: ██████████
Hearing Date: July 29, 2013
County: Wayne (41)

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 July 29, 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) Case Manager.

ISSUE

Whether the Department properly closed Claimant's case for Family Independence Program (FIP) benefits based on Claimant's 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 benefits.
2. On May 2, 2013, the Department sent Claimant a PATH Appointment Notice, which was scheduled on May 14, 2013. Exhibit 1.
3. On June 14, 2013, the Department mailed Claimant a Notice of Noncompliance scheduling Claimant for a triage appointment on June 20, 2013. Exhibit 1.

4. On June 14, 2013, the Department sent Claimant a Notice of Case Action closing Claimant's FIP case, effective July 1, 2013, based on a failure to participate in employment and/or self-sufficiency related activities without good cause. Exhibit 1.
5. On June 20, 2013, Claimant failed to attend the triage appointment.
6. On June 24, 2013, Claimant filed a request for hearing concerning the FIP benefit and the Child Development and Care (CDC) program. Exhibit 1.

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 Mich Admin Rule 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Rule 400.5001 through Rule 400.5015.

As a preliminary matter, Claimant's request for hearing also addresses her CDC benefits. See Exhibit 1. However, Claimant testified that she is no longer disputing her CDC benefits. Thus, pursuant to Mich Admin Rule 400.906(1), Claimant's CDC hearing request is hereby DISMISSED.

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. Soon after commencement of the hearing, the parties testified that they had reached a settlement concerning the disputed action. Consequently, the Department agreed to do the following: removal of any first noncompliance from Claimant's disqualification history; begin reinstating Claimant's FIP case for July 1, 2013, ongoing; begin recalculating the FIP budget for July 1, 2013, ongoing, in accordance with Department

policy; begin issuing supplements to Claimant for any FIP benefits she was eligible to receive but did not for July 1, 2013, ongoing; and notify Claimant in writing of its FIP 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 INITIATE THE FOLLOWING ACTION WITHIN TEN DAYS OF THE MAILING DATE OF THIS ORDER:

1. Removal of any first noncompliance from Claimant's disqualification history;
2. Begin reinstating Claimant's FIP case for July 1, 2013, ongoing;
3. Begin recalculating the FIP budget for July 1, 2013, ongoing, in accordance with Department policy;
4. Begin issuing supplements to Claimant for any FIP benefits she was eligible to receive but did not for July 1, 2013, ongoing; and
5. Notify Claimant in writing of its FIP decision in accordance with Department policy.

Based on the above discussion, it is ALSO ORDERED that Claimant's CDC hearing request is hereby DISMISSED pursuant to Mich Admin Rule 400.906(1).


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

Date Signed: August 7, 2013

Date Mailed: August 7, 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]
[REDACTED]
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