

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2013-57668  
Issue No.: 1000  
Case No.: [REDACTED]  
Hearing Date: August 15, 2013  
County: Wayne (82-31)

**ADMINISTRATIVE LAW JUDGE:** Alice C. Elkin

**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 August 15, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED]

**ISSUE**

Did the Department properly close Claimant's Family Independence Program (FIP) for failure to comply with employment-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. Claimant was a mandatory participant of PATH, the work participation program.
3. The Department gave Claimant a deferral from attending PATH based on housing issues for May 2013 through June 2013.
4. On May 28, 2013, the Department sent Claimant a PATH Appointment Notice requiring her to attend the PATH program on June 10, 2013.
5. Claimant did not attend the June 10, 2013, appointment.

6. On June 17, 2013, the Department sent Claimant (i) a Notice of Noncompliance notifying her of the noncompliance and scheduling a triage on June 26, 2013, and (ii) a Notice of Case Action closing Claimant's for three months effective July 1, 2013.
7. On July 8, 2013, Claimant filed a request for hearing disputing the closure of her FIP case.

### **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.

In the present case, Claimant requested a hearing to dispute the Department's action closing her FIP case. At the hearing, the Department acknowledged that Claimant had been deferred from participation in the PATH program for two months, from May 1, 2013, to June 30, 2013, to address her housing issues, and that the Department erred in sending her a PATH Appointment Notice on May 28, 2013, requiring her to attend the PATH program on June 10, 2013.

The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24.278(2). 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: (i) reinstate Claimant's FIP case as of July 1, 2013, (ii) remove any FIP sanction applied to Claimant's case on or about July 1, 2013; and (iii) issue supplements to Claimant for FIP benefits she was eligible to receive but did not from July 1, 2013, ongoing, subject to Claimant's future compliance with the PATH requirements and eligibility for FIP.

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. Reinstate Claimant's FIP case as of July 1, 2013,
2. Remove any FIP sanction applied to Claimant's case on or about July 1, 2013; and
3. Issue supplements to Claimant for FIP benefits she was eligible to receive but did not from July 1, 2013, ongoing, subject to Claimant's future compliance with the PATH requirements and eligibility for FIP.



**Alice C. Elkin**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: August 20, 2013

Date Mailed: August 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.

ACE/pf

cc:

