

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

IN THE MATTER OF:

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

Reg. No.: 2013-55221
Issue No.: 1000
Case No.: ██████████
Hearing Date: July 29, 2013
County: Wayne (43)

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. Exhibit 1.
2. On April 9, 2013, the Department mailed Claimant a Notice of Noncompliance scheduling Claimant for a triage appointment on April 15, 2013. Exhibit 1.
3. On April 9, 2013, the Department sent Claimant a Notice of Case Action closing Claimant's FIP case, effective May 1, 2013, based on a failure to participate in employment and/or self-sufficiency related activities without good cause.
4. On April 15, 2013, Claimant failed to attend the triage appointment.

5. On an unspecified date, the Department received Claimant's April 9, 2013 Notice of Noncompliance and Notice of Case Action as unreturned mail.
6. On May 8, 2013, Claimant reapplied for FIP benefits.
7. On June 13, 2013, the Department sent Claimant a Notice of Case Action notifying Claimant that her FIP application was denied effective June 1, 2013, ongoing, due to Claimant having a third non-compliance with the PATH program. Exhibit 1.
8. On June 21, 2013, Claimant filed a request for hearing concerning her FIP benefits. 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 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 third noncompliance from Claimant's disqualification history; begin reinstating Claimant's FIP case for May 1, 2013, ongoing; begin recalculating the FIP budget for May 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 May 1, 2013, ongoing; and notify Claimant in writing of its FIP decision in accordance with Department policy.

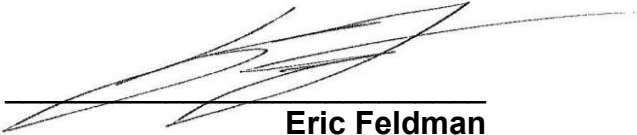
As a result of this settlement, Claimant no longer wishes to proceed with the hearing. As such, it is unnecessary for this Administrative Law Judge to render a decision regarding the facts and issues in this case.

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. Remove any third noncompliance from Claimant's disqualification history;
2. Begin reinstating Claimant's FIP case for May 1, 2013, ongoing;
3. Begin recalculating the FIP budget for May 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 from May 1, 2013, ongoing; and
5. Notify Claimant in writing of its FIP decision in accordance with Department policy.



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]
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