

DEPARTMENT OF FAMILY INDEPENDENCE AGENCY

FAMILY SERVICES ADMINISTRATION

INTER COUNTY DISPUTES

(By authority conferred on the department of social services by section 9 of Act No. 380 of the Public Acts of 1965, as amended, sections 2 and 5 of Act No. 116 of the Public Acts of 1973, as amended, section 3 of Act No. 381 of the Public Acts of 1974, as amended, and sections 5, 10, and 13 of Act No. 218 of the Public Acts of 1979, as amended, being SS16.109,

PART 2. INTER-COUNTY DISPUTES

R 400.31 Appeal; petition.

Rule 31. To appeal a dispute with another county or counties concerning the settlement of an applicant or recipient with respect to any form of public assistance, a county shall file a written petition with the director of administrative hearings. The petition shall clearly explain the nature of the dispute and provide a factual background of the dispute.

History: 1944 AC; 1954 AC; 1979 AC; 1997 AACs.

R 400.32 Answer.

Rule 32. Upon notice from the family independence agency (FIA), the defending county or counties shall file an answer to the original petition that clearly explains the county of counties position in the dispute.

History: 1944 AC; 1954 AC; 1979 AC; 1997 AACs.

R 400.33 Dispute Assignment.

Rule 33. The director of FIA administrative hearings shall assign the dispute to a senior level administrative law judge to hear the dispute pursuant to the provisions of Act No. 306 of the Public Acts of 1969, as amended, being SS24.201 et seq. of the Michigan Compiled Laws.

History: 1944 AC; 1954 AC; 1979 AC; 1997 AACs.

R 400.34 Prehearing Conference.

Rule 34. (1) The assigned administrative law judge shall conduct a prehearing conference either in person or by telephone.

(2) At the prehearing conference the administrative law judge shall do all of the following:

- (a) Ascertain the nature of the dispute.
- (b) Determine the necessary parties to the dispute and the necessary witnesses.
- (c) Explore the possibility of settlement.
- (d) Set the date and time of hearing.
- (e) Issue subpoenas.
- (f) Resolve any other preliminary matters that the law judge deems necessary and appropriate.

History: 1944 AC; 1954 AC; 1979 AC; 1997 AACS.

R 400.35 Hearing date; hearing place; notice.

Rule 35. The assigned administrative law judge shall set a date and place for the hearing and shall give every party to the dispute fair written notice of the date, place, and time of the hearing. The hearing shall be held in the offices of the FIA administrative hearings division, unless a client involved in the dispute requests that the hearing be held in a location more convenient to the client.

History: 1944 AC; 1954 AC; 1979 AC; 1997 AACS.

R 400.36 Representation; evidence.

Rule 36. (1) A party to a dispute may be represented by another person.

(2) A party to a dispute may present witnesses and evidence if the presiding administrative law judge determines that the witnesses or evidence has a direct bearing on the dispute and if the witnesses or evidence is presented in compliance with sections 71 to 87 of Act No. 306 of the Public Acts of 1969, as amended, being SS24.271 to 24.287 of the Michigan Compiled Laws.

History: 1944 AC; 1954 AC; 1979 AC; 1997 AACS.

R 400.37 Findings of fact; proposal for decision.

Rule 37. The presiding administrative law judge shall hear and weigh all evidence and shall prepare written findings of the facts and a proposal for decision. The findings of fact and the proposal for decision shall be mailed to the counties involved in the dispute for their review and an opportunity to file exceptions.

History: 1944 AC; 1954 AC; 1979 AC; 1997 AACS.

R 400.38 Director decision.

Rule 38. The director of the family independence agency shall review the proposal for decision and any exceptions and shall issue a decision. The decision shall be final and binding on the parties.

History: 1944 AC; 1954 AC; 1979 AC; 1997 AACs.