

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2010-23150
Issue No.: 1021
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: August 30, 2010
Wayne County DHS (49)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on Monday, August 30, 2010. The Claimant appeared and testified. [REDACTED] and [REDACTED] appeared on behalf of the Department. [REDACTED] observed the proceedings.

ISSUE

Whether the Department properly terminated the Claimant's cash assistance ("FIP") benefits effective December 2009?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Claimant is a FIP recipient.
2. On October 14, 2009, the Department mailed the redetermination packet to the Claimant notifying her of the November 4, 2009 appointment. (Exhibit 1)
3. The Claimant did not attend the scheduled interview.
4. On November 4, 2009, the Department mailed a Notice of Missed Interview to the Claimant. (Exhibit 2)
5. On November 19, 2009, the Department sent a Notice of Case Action to the Claimant informing her that her FIP benefits were scheduled for

closure due to the failure to complete the redetermination process. (Exhibit 3)

6. On November 30, 2009, the Department received the Claimant's written Request for Hearing. (Exhibit 4)

CONCLUSIONS OF LAW

The Family Independence Program ("FIP") was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human Services (formerly known as the Family Independence Agency) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R400.3101-3131. The FIP program replaced the Aid to Dependent Children program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Manual ("BRM").

The Department periodically re-evaluates cases to ensure continued eligibility for benefits. BAM 210 For FIP purposes, a complete redetermination is required at least every 12 months. BAM 210 Bridges processes case closure which includes notice to the client when receipt of the redetermination packet (which includes required verifications) is not recorded as received by the last date for timely notice in the redetermination month. BAM 210

In this case, a redetermination packet was mailed to the Claimant which contained the Claimant's appointment notice. The Claimant did not appear for the appointment which resulted in Bridges generating a Notice of Missed Interview to the Claimant. Neither the redetermination form nor the Notice of Missed Interview were returned to the Department as undeliverable. During this time, the Claimant's address remained the same and she denied having problems receiving mail. During the hearing, the Claimant denied receipt of the form/notice but acknowledge receipt of the negative action notice dated November 19, 2009. The Department received the Claimant's request for hearing on November 30th, after the FIP benefits had closed. Under these facts, the Department established it acted in accordance with Department policy when it sent the Claimant the redetermination form, Notice of Missed Interview, and Notice of Case Action and then subsequently terminated the Claimant's FIP benefits effective December 2009. Accordingly, the Department's determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds the Department established it acted in accordance with Department policy when it terminated the Claimant's FIP benefits.

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Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 8/30/2010

Date Mailed: 8/30/2010

NOTICE: Administrative Hearings 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. Administrative Hearings 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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

CMM/jlg

cc:

