

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: 2010-48417
Issue No: 1015
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 28, 2010
Cass County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on October 28, 2010. Claimant personally appeared and testified.

ISSUE

Did the Department of Human Services (the department) properly approve claimant for Family Independence Program benefits and take her child support payment?

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 applied for cash assistance Family Independence Program benefits on February 9, 2010.
- (2) The worker had an interview with the client on February 16, 2010, and after the budget was done the client saw that she would only get \$ [REDACTED] in Family Independence Program benefits and that the State would take her child support, she decided that she would withdraw her application for Family Independence Program benefits.
- (3) On February 19, 2010, the worker withdrew claimant's Family Independence Program benefit application but the computer approved claimant for Family Independence Program benefits from February 16, 2010, and did not stop the payment for the claimant.

- (4) The claimant received a letter on February 19, 2010, stating that her cash would end on April 1, 2010, instead of February 19, 2010, and her child support check of \$ [REDACTED] was taken as a result.
- (5) In addition, the department took \$ [REDACTED] in child support payments from claimant in June 2010.
- (6) Claimant stated that she would rather receive her child support payments than a monthly payment of \$ [REDACTED] from the State of Michigan.
- (7) On June 9, 2010, claimant filed a request for a hearing to contest the department's negative action.
- (8) At the hearing the department conceded on the record that it improperly took claimant's child support payments because she did withdraw her application for Family Independence Program benefits.

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 (DHS or department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Program Administrative Manual (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In the instant case, the department caseworker conceded on the record that the department improperly took claimant's child support payments of \$ [REDACTED] and also took improper payments in the amount of \$ [REDACTED] in child support payments. Claimant did appropriately withdraw her Family Independence program benefit application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department has conceded on the record that it acted in error when it took claimant's child support payments because of a computer error.

Accordingly, the department's decision is REVERSED. The department is ORDERED to withdraw claimant's February 9, 2010, application for Family Independence program benefits and to return to claimant her child support if claimant's otherwise determined to be eligible to receive the child support payment.

Landis

/s/

Y. Lain

Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 10, 2010

Date Mailed: November 12, 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.

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