

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Claimant

Reg. No: 2010-5230
Issue No: 1005
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 24, 2009
Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Jana A. Bachman

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, an in-person hearing was held on November 24, 2009.

ISSUE

Whether the Department of Human Services (department) properly determined claimant's eligibility for Family Independence Agency (FIP) benefits.

FINDINGS OF FACT

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

- (1) October 2009, claimant was a recipient of FIP. Her assistance was due for redetermination. Department Exhibit A.
- (2) October 1, 2009, claimant attended redetermination interview and provided some but not all required proofs. Department Exhibit A.

(3) October 19, 2009, the department sent claimant written notice that her FIP assistance would terminate effective November 1, 2009 due to failure to provide proof of assets. Department Exhibit A.

(4) October 30, 2009, the department received proof of claimant's bank accounts. Department Exhibit A.

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 (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

In this case, the department informed claimant that her assistance would close effective November 1, 2009 as she had failed to provide proof of bank accounts. Claimant provided proof of bank accounts prior to the closure date. At hearing, the department testified that it did not understand the documents provided as proof of bank accounts and so allowed the case to close. However, the inability of the department to understand the document does not negate the fact that claimant did comply with department requirements. Claimant did provide required proofs prior to closure date. Accordingly, the department has not met its burden of proof and its action cannot be upheld. Finding of Fact 1-4. Bridges Administrative Manual (BAM) 220; P. A. 280 of 1939, as amended; R400.902 MAC.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did not properly determine claimant's eligibility for Family Independence Program benefits.

Accordingly, the department's action is, hereby, REVERSED. The department is to initiate an evaluation of claimant's eligibility for FIP benefits effective date of closure.

/s/

Jana A. Bachman
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: December 28, 2009

Date Mailed: December 30, 2009

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 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.

JAB/db

cc:

[REDACTED]