

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Claimant

Reg. No.: 2010-633
Issue No.: 1038/3008
Case No.:
Load No.:
Hearing Date:
December 10, 2009
Wayne County DHS (17)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on December 10, 2009. The Claimant personally appeared and testified.

ISSUE

Did the Department properly deny the Claimant's Family Independence Program (FIP)?

FINDINGS OF FACT

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

1. On July 23, 2009, the department sent the claimant a notice of JET noncompliance with a triage set for August 3, 2009. (Department exhibit 1).
2. The claimant had noticed the department that she was homeless. (Department exhibit 6).

3. The department failed to promptly address a change in address and continued to send notices to the previous address.
4. On October 3, 2009, the department closed the claimant's FIP.
5. The claimant testified that she was homeless during the month of July, 2009, and produced documentation that showed that the department had been noticed of this fact.
6. On September 24, 2009, claimant filed a request for a hearing.

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 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).

At the hearing the department testified that it denied the claimant's FIP on October 3, 2009, because the claimant was not in compliance with work related activities.

The claimant testified and produced documentation that proved the fact that she was homeless during July of 2009, and that she had notified the department of this fact.

HOMELESS PERSONS

All Programs

A **homeless person** is an individual who lacks a fixed and regular nighttime dwelling **or** whose temporary nighttime dwelling is one of the following:

Supervised private or public shelter for the homeless.

Halfway house or similar facility to accommodate persons released from institutions.

Home of another person.

Place not designed or ordinarily used as a dwelling (e.g., building entrance or hallway, bus station, park, campsite, vehicle).

Lack of a permanent dwelling or fixed mailing address does not affect a person's state residence status. Do not deny assistance **solely** because the person has no permanent dwelling or fixed address.

Use the local office address or another location agreeable to the client. (PEM 220, p.2).

In the instant case the claimant notified the department of the fact of her homelessness and the department failed to comply with the above policy.

This ALJ finds that the department was notified of the claimant's homelessness and failed to take proper steps to insure continued communication.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, REVERSES AND ORDERS the Department to retroactively reopen the Claimant's FIP and replace any lost benefits.



Michael J. Bennane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 1/27/2010

Date Mailed: 1/27/2010

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 60 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.

MJB/jlg

cc:

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