

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: 2010-149
Issue No: 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 29, 2009
Calhoun County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 hearing was held on October 29, 2009. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly deny Claimant's Family Independence Program (FIP) application because her Family Independence Program (FIP) case was under sanction for failure to participate in employment and/or self-sufficiency related activities?

FINDINGS OF FACT

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

- (1) On July 21, 2009, a sanction was applied to Claimant's Family Independence Program (FIP) case due to her failure to participate in employment and/or self-sufficiency related activities.

(2) On August 27, 2009, Claimant submitted an application for Family Independence Program (FIP) benefits in a different county from where the sanction was applied.

(3) On August 28, 2009, Claimant's August 27, 2009 application, for Family Independence Program (FIP) benefits was denied due to her case being under sanction. Claimant was sent a Notice of Case Action (DHS-1605)

(4) On September 11, 2009, Claimant submitted a request for hearing on page 7 of August 28, 2009 Notice of Case Action (DHS-1605). Claimant wrote that she was requesting a hearing for "FIP".

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).

In this case, Claimant requested a hearing on the issue of her Family Independence Program (FIP) application being denied. The Department local office denied the Family Independence Program (FIP) application because their computer records showed the FIP case was under sanction. Claimant argued that her case should not have been sanctioned in the previous county. Claimant's request for hearing did not raise jurisdiction to deal with that issue in this hearing. Due process requires that both parties know the subject of, and purpose of, the hearing they are at. Claimant was informed that if she desires a hearing on the issue of her case

being sanctioned she must submit a specific request for hearing about that Departmental action.

Claimant and her witness were disruptive and belligerent.

No further analysis is necessary to resolve the issue in this hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly denied Claimant's Family Independence Program (FIP) application because her Family Independence Program (FIP) case was under sanction for failure to participate in employment and/or self-sufficiency related activities.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHELD.

/s/

Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 3, 2009

Date Mailed: November 6, 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.

GFH [REDACTED]

cc:

[REDACTED]