

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: 2010-37175
Issue No: 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 30, 2010
Genesee 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 telephone hearing was held on June 30, 2010. 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 in sanction for a previous 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 April 1, 2010, Claimant's Family Independence Program (FIP) was placed in sanction for a failure to participate in employment and/or self-sufficiency related activities.
- (2) On April 9, 2010, Claimant submitted a new application for Family Independence

Program (FIP) benefits. The application for Family Independence Program (FIP) benefits was denied for the months of April, May, and June 2010 because of the sanction. Claimant was approved for Family Independence Program (FIP) benefits beginning July 1, 2010.

(3) On May 18, 2010, Claimant was sent a Notice of Case Action (DHS-1605) regarding her Child Development and Care (CDC) and Food Assistance Program (FAP) cases.

(4) On May 24, 2010, Claimant submitted a request for hearing about her Family Independence Program (FIP) case on the Request For Hearing page of the May 18, 2010, Notice of Case Action (DHS-1605).

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In this case Claimant stated she wanted a hearing about whether her Family Independence Program (FIP) case should have been sanctioned. Claimant testified that she had submitted a hearing request on that issue after she submitted this request. Claimant was informed that this hearing would not be about whether or not the Family Independence Program (FIP) case should have been sanctioned but rather about whether the April 9, 2010 application should have been denied.

Evidence in the record shows that Claimant's Family Independence Program (FIP) case was under sanction from April 1, 2010, to July 1, 2010.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides Did the Department of Human Services properly denied Claimant's Family Independence Program (FIP) application because her Family Independence Program (FIP) case was in sanction for a previous 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: July 2, 2010

Date Mailed: July 7, 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.

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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.

GFH/alc

cc:

