

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.: 201041012
Issue No.: 3003
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: August 16, 2010
Wayne County DHS (35)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on August 16, 2010. The claimant appeared and testified. [REDACTED], FIM and [REDACTED], FIS Jet case worker appeared on behalf of the department.

ISSUE

Whether the Department of Human Services (DHS) properly reinstated the Claimant's Food Assistance Program ("FAP") case after a hearing Decision and Order, ordering it to do so?

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 June 3, 2010 a hearing was held before an Administrative Law Judge, [REDACTED] registration no. 2010 30345, involving the Claimant, Reginald Wallace. Administrative Law Judge [REDACTED] issued a decision on June 8, 2010 which ordered the Department, in paragraph 3 of the Decision and Order of the Hearing Decision, "to reinstate the claimant's FIP benefits retroactive to the date of closure and to supplement the claimant for any lost benefits he was otherwise entitled to receive (if any) if otherwise eligible and qualified."
2. Administrative Law Judge [REDACTED] hearing decision found that the claimant should not have a three month sanction imposed for of alleged failure of the claimant to attend a triage, and otherwise reversed the

department's decision terminating the claimant's FIP benefits. Decision and Order Paragraphs 2 and 3.

3. The Department has continued to supplement the Claimant's FAP and FIP benefits and has otherwise complied with the Administrative Law Judge [REDACTED] Decision Order except it has not reinstated the claimant's FAP and FIP cases.
4. The Department through its Bridges computer system has been unable to reopen the claimant's cases because the Bridges system will not allow the case to be re-opened, however it has consistently issued supplements so that the claimant received his benefits.
5. The Department has requested help from the Department of Information-Technology of the State of Michigan to assist with the problem, but has not received a response, nor has the problem been fixed.
6. The claimant's has received all of his FIP and FAP benefits through supplements issued by the department, however his case has not been reinstated as previously ordered.
7. Additionally the claimant requires his FIP and FAP case reopened so that he can consistently receive his FIP and FAP benefits on time.
8. The claimant requested a hearing June 18, 2010 which was received by the department on June 21, 2010.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the FAP program pursuant to CML 400.10 *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

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

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(ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM") and the Reference Table Manuals ("RFT").

BAM 600 governs the implementation of Hearing Decisions. BAM 600 provides that some hearing decisions require implementation by the local office. The Department is required to implement a decision and order within ten calendar days of the mailing date on the hearing decision and is further directed by policy to **not** provide a notice of case action. The D&O serves as notice of the action. Page 30

In this case the Department was unable to implement fully the Decision and Order because the Bridges computer system would not allow it to reopen the Claimant's Case as ordered. The Department did attempt to comply with the [REDACTED] Decision and Order by the issuance of supplement's for the Claimant's FIP and FAP benefits and by seeking help for the Department of Information Technology. The Decision was issued June 8, 2010 and required implementation by June 18, 2010.

When a Decision and Order cannot be implemented, and the Department cannot comply, the following action is required to be taken by the Department.

When a decision requires a case action different from the one originally proposed, a DHS-1843, Administrative Hearing Order Certification, is sent with the D&O.

Complete the necessary case actions within ten calendar days of the mailing date noted on the hearing decision. Complete and send the DHS-1843 to SOAHR to certify implementation and place a copy of the form in the case file.

If it is impossible to implement the D&O as written within ten calendar days, a FIM or hearings coordinator should call SOAHR at (517) 373-0722 and speak with the supervisor of the ALJ who issued the D&O. The supervisor will offer advice on how to proceed. The FIM or hearings coordinator is responsible to follow-up to ensure implementation of the D&O is completed. BAM 600, page 31.

In this case no such contact with the Administrative Law Judge's Supervisor or SOAHR was made as required by Bridges Policy. In this instance it is now almost two months after the Decision and Order was issued and the Claimant's case has still not been reinstated. Fortunately, the Department did institute steps necessary to supplement the Claimant's benefits, but at this time it should have seen to whatever Bridges "glitches" were causing the problem and the Decision and Order should have been implemented fully.

Based upon the forgoing findings and conclusions the Department is required to within 10 days reinstate the Claimant's FIP and FAP cases retroactive to the date of closure as required by the Mamelka Decision issued June 8, 2010. If the Department cannot do so because of the problems with the Bridges system it is required to follow BAM 600

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and so advise SOAHR and the Administrative Law Judges Supervisor with in 10 days. BAM 600 page 31.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS did not sustain its burden to demonstrate that it properly implemented the Decision and Order of June 8 2010 issued by Judge Mamelka regarding the Claimant's benefits and the finding reversing the Department's decision to impose sanctions for non compliance with Work First and the reinstatement of benefits.

The Department is therefore ORDERED:

The Department shall within ten days of this Decision and Order reinstate the Claimant's FIP and FAP cases retroactive to the date of closure, as Ordered by Administrative Law Judge Mamelka. The Department shall also supplement the Claimant for any FIP and FAP benefits he was otherwise entitled to receive for the month of August 2010 if he is otherwise eligible and he has not already received same.

If the Department is otherwise unable to reinstate the Claimant's FIP and FAP case then it shall follow the policy set forth in BAM 600, page 31 and contact SOAHR indicating its reason for failing to reinstate the Claimant's FIP and FAP case and contact Administrative Law Judge Rhonda Craig, this Administrative Law Judge's supervisor and so advise Judge Craig with regard to its failure in reinstating the Claimant's FIP and FAP cases.



Lynn M. Ferris
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 8/17/2010

Date Mailed: 8/17/2010

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

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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 of the rehearing decision.

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cc:

