

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 2011-1343
Issue Nos.: 1021, 2018, 3019
Case No.: [REDACTED]
Hearing Date: November 23, 2010
DHS County: Wayne (82-31)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 November 23, 2010. Claimant appeared and testified.

ISSUE

Did the Department of Human Services (Department) properly close Claimant's Food Assistance Program (FAP), Family Independence Program (FIP) and Medicaid (MA) benefits for returned mail?

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 March 29, 2010, Claimant applied for SER for relocation after her home burned down. This application was denied by the Department.
2. On July 10, 2010, the Department issued a verification letter and this letter was returned as undeliverable.
3. The Department attempted to contact Claimant by telephone and was unable to get Claimant on the phone.
4. On September 10, 2010, a closure notice for FIP, FAP and MA was sent to Claimant indicating closure based upon inability to locate.
5. On September 20, 2010, Claimant notified the Department of her new address.

6. On September 20, 2010, Claimant requested a hearing to stop the closure of her FIP, FAP and MA benefits.

CONCLUSIONS OF LAW

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

FAP (formerly known as the Food Stamp 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 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 Program Reference Manual (PRM).

The MA program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In the instant case, the Department initiated closure of Claimant's FIP, FAP and MA case after they received returned mail. A notice was issued informing Claimant of the pending closure. Claimant came into the local office on September 20, 2010, prior to case closure. The Department deleted the negative action for FAP and MA and reinstated benefits. The Department had Claimant sign a new application for FIP benefits on September 28, 2010, and initiated FIP benefits pending her attending Jobs Education and Training (JET). Claimant is currently protesting the pending FIP benefits based upon the negative action notice issued on September 10, 2010. This Administrative Law Judge's jurisdiction is limited to the actions the Department took prior to Claimant's hearing request.

After considering the testimony provided, this Administrative Law Judge finds the Department erred by not removing the negative action on Claimant's FIP benefits based upon being unable to locate Claimant. Claimant did update her address and location prior to the case closing. Therefore, the case should have been reinstated. The Department could have then, after reinstating benefits, issued a noncompliance letter

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regarding Claimant's failure to attend JET and scheduled a TRIAGE regarding whether good cause existed for failing to attend JET those prior months.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department was not acting in compliance with Department policy.

Accordingly, the Department's decision is REVERSED and the Department is ORDERED to re-instate Claimant's FIP benefits and issue benefits back to the date of the Department's negative action.



Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: December 22, 2010

Date Mailed: December 22, 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.

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