

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: 20111354  
Issue No: 1000  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
November 3, 2010  
Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 3, 2010.

ISSUE

Did the Department of Human Services (DHS) correctly impose a negative case action and a sanction upon the claimant for noncompliance with work-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) Claimant was a FIP recipient in Kalamazoo County.
- (2) Claimant's FIP case was denied on September 2, 2010.
- (3) The Department admitted, at hearing, that this denial was a mistake, and claimant should have been approved for FIP benefits.
- (4) On September 8, 2010, claimant requested 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 (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 Bridges Reference Manual (BRM).

The Department admitted at hearing that claimant's FIP case had been denied in error; claimant had attended JET up to that point and had completed all other application requirements. Claimant should have been approved for FIP.

While other events occurred in this case that may have affected claimant's continued eligibility, these events occurred well after the negative action notice in question, and well after claimant's request for hearing.

An Administrative Law Judge may only hear a case that is presently in dispute; this would include any action that occurs prior to the request for hearing. BAM 600. Therefore, while subsequent events may have occurred in the case that would affect claimant's FIP eligibility, they are not in the purview of this hearing, and the Administrative Law Judge has no jurisdiction to decide those other matters. The undersigned will only decide the matter at hand—which, in the current case, is the case denial of September 2, 2010, that the Department admitted under oath was a mistake.

Therefore, the Administrative Law Judge must order the Department to open claimant's FIP application retroactive to the date of initial eligibility.

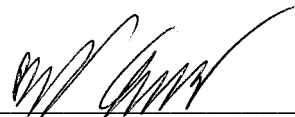
If subsequent actions have affected claimant's FIP eligibility, the Department must follow proper procedures in closing or sanctioning claimant's case, which would presumably include a second negative action notice, a triage, or any other requirements as specified by the Bridges Administrative Manual and Bridges Eligibility Manual.

#### DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the claimant's FIP case was denied in error.

Accordingly, the Department's decision in the above stated matter is, hereby, REVERSED.

The Department is ORDERED to open claimant's FIP case retroactive to the date of initial eligibility. Furthermore, the Department is ORDERED to issue claimant any benefits missed as a result of the negative action.



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Robert J. Chavez  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: 11/19/10

Date Mailed: 11/22/10

**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 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.

RJC/dj

cc:

