STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

Reg. No.:   2011-31109
Issue No.:   1006, 6023
Case No.:
Hearing Date: June 22, 2011
DHS County: Macomb (20)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9;
MSA 16.409 and MCL 400.37; M SA 16.437 upon the claimant's request for a hearing.
After due notice a telephone hearing was held   in Detroit, Michigan on June 22, 2011.
The claimant appeared and testified.

ISSUE

Did the Department of Human Services   (D epartment) properly close the claimant's
Family Independence Program (FIP) and her   Child Development and Care Program
(CDC)?

FINDINGS OF FACT

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

1.   The claimant was a FIP and CDC recipient.

2.   The claimant was due for a review/redetermination in February, 2011.

3.   The claimant called the Department to reschedule her appointment for review.

4.   On February 28, 2011, the Department closed the claimant's FIP and CDC.

5.   On March 21, 2011, the claimant filed a request for a hearing.

CONCLUSIONS OF LAW

The Family Independence Progr am (FIP) was established pursuant to the Personal Responsibility and W ork Opportunity Reconc iliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human Servic es (formerly known as the Family Independence Agency) administ ers the FI P 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 Manua l (BAM), the Bridges Elig ibility Manual (B EM) and the Bridges Reference Manual (BRM).

The Child Development and Care program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Gr ant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by T itle 45 of the Code of F ederal Regula tions, Parts 98 and 99. T he Department of Human Services (formerly known as the Family Independence Agency) provides s ervices to adults and childr en pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department po licies are contained in t he Bridges Administrativ e Manual (BAM), the Bridges Eligibility Manu al (BEM) and the Brid ges Reference Manual (BRM).

In the instant case, the Department testified that the claimant had called the Department to reschedule her review appointment. The call was not returned.

> The client must obtain require d verification, but you must
> assist if they need and request help. (BAM 130, p. 3)

In the instant case, the claimant called t he Department to reschedule her review. This fact was verified by the Department at the h earing. This Administrative Law Judge finds that the Department was not in compliance with the above policy.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, REVERSES and ORDERS the Department to reinstat e the claimant's FIP and CDC back to the date of closure, February 28, 2011.

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Michael J. Bennane
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 5, 2011
Date Mailed: August 5, 2011

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NOTICE: Administrative Hearings may or der a rehearing or reconsideration on either its own motion or at t he request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hear ings will not order a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 Dec ision and Order or, if a ti mely request for rehea ring was made, within 30 days of the receipt date of the rehearing decision.

MJB/cl

Cc: