

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.: 2011-4891
Issue No.: 3019
Case No.: [REDACTED]
Hearing Date: December 8, 2010
DHS County: Wayne (82-41)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 December 8, 2010. Claimant appeared and testified. [REDACTED] Claimant's grandmother, also testified on behalf of Claimant. [REDACTED] appeared and testified on behalf of the Department of Human Services (Department).

ISSUE

Did the department correctly close claimant's Family Independence Program (FIP) and Child Development Care (CDC) cases?

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 an ongoing FIP and CDC recipient.
2. Claimant was nineteen years old.
3. Claimant was referred to the JET program.
4. Claimant was told by her Michigan Works worker that Claimant should request closure of her cases.
5. On October 25, 2010, Claimant, with the assistance of and upon the advice of the Michigan Works worker, wrote a letter to the Department requesting closure of her cases, stating she wanted to complete her high-school education, and said

letter was faxed to the Department by the Work First worker on October 26, 2010.

6. The Department closed Claimant's FIP and CDC cases on October 28, 2010.
7. The Department closed the cases because Claimant submitted a request for closure in writing.
8. Claimant requested a hearing on October 29, 2010.

CONCLUSIONS OF LAW

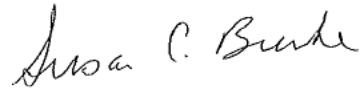
FIP was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Program Reference Manual (PRM).

Bridges instructs the Department to notify the client of negative case action taken. An adequate notice is a written notice sent to the client at the same time an action takes effect (not pending). Adequate notice is given in the following circumstances: a recipient or his legal guardian or authorized representative requests in writing that the case be closed. BAM 220, p. 2.

In the present case, Claimant relied on information from her Michigan Works worker to request closure of her FIP and CDC cases. Upon obtaining additional information to the contrary, Claimant immediately requested a hearing. Claimant asserts that she did not make a fully-informed decision to request closure of her cases, and that she was misled by the Michigan Works worker. However, nothing in policy allows for a claimant who is of legal age to claim reliance on others to negate her signed request for closure. Therefore, I find that the Department correctly closed Claimant's FIP and CDC cases.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department's decision to close Claimant's FIP and CDC cases was correct and it is ORDERED that the Department's decision is, therefore, AFFIRMED.



Susan C. Burke
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: December 21, 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.

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.

SCB/pf

cc:

