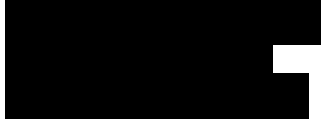


STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 20112620

Issue No: 1018

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

March 10, 2011

Wayne 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 March 10, 2011.

ISSUE

Did the Department of Human Services (DHS) correctly place claimant's FIP grant into closure for excess income?

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 Wayne County.
- (2) Claimant's FIP grant was closed on June 30, 2010 for excess income.
- (3) The Department failed to submit evidence to show that claimant received income during the time period in question.
- (4) The Department notified the claimant of the closure on August 13, 2010.

- (5) On October 12, 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).

Under normal circumstances, the undersigned would begin a recitation of the applicable law, and state exactly how it was relevant to the current case. However, these are not normal circumstances. During the course of the hearing, the Department submitted two exhibits; neither of which showed that claimant had any income during the time period in question. When asked for evidence, the Department representative declined to provide evidence for its statements. Furthermore, the Department engaged in actions prior to the hearing that appeared to be designed for the express purpose of forcing the claimant to withdraw her hearing request. Whether this was benign in intent, or was done because the Department representative was aware of the weakness of her case, can only be speculated upon.

Regardless, the Department failed to submit any evidence of income, or a FIP budget, that could support the case closure in the current case.

The undersigned asked the Department if it wished to offer any more supporting evidence and was told by the Department that they were satisfied with their case.

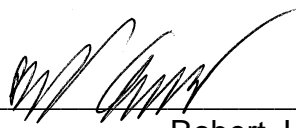
Therefore, the Administrative Law Judge rules that the Department has failed to meet their burden of proof in proving that claimant had income requiring FIP closure. No evidence was offered to show income; no budgets were offered to show income calculations; no proof was offered for the Department's contentions, which, due to the circumstances, is already suspect. For these reasons, the undersigned must hold that the Department has not proven their case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the claimant did not have income during the time period in question.

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

The Department is ORDERED to remove all negative actions placed in the claimant's file arising from the current matter, and restore claimant's FIP benefits retroactive to the date of negative action.



Robert J. Chavez
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 04/11/11

Date Mailed: 04/19/11

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:

