

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2011-34104  
Issue No.: 1005  
Case No.: [REDACTED]  
Hearing Date: July 7, 2011  
DHS County: Wayne (82-76)

**ADMINISTRATIVE LAW JUDGE:** Andrea J. Bradley

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge upon the Claimant's request for a hearing made pursuant to Michigan Compiled Laws 400.9 and Michigan Compiled Laws 400.37, which govern the administrative hearing and appeal process. After due notice, a telephone hearing was conducted from Detroit, Michigan, on Thursday, July 7, 2011. The Claimant appeared and testified. [REDACTED]

[REDACTED],  
appeared and testified on behalf of the Department of Human Services (Department).

**ISSUE**

Whether the Department acted in accordance with Department policy when it terminated the Claimant's Family Independence Program (FIP) cash assistance.

**FINDINGS OF FACT**

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

1. On April 1, 2011, the Claimant was scheduled for an in-person redetermination interview at 1:00 p.m. at the Wayne County DHS office located at [REDACTED]. Exhibit 1
2. On April 1, 2011, the Claimant appeared with the documentation requested in the redetermination notice at 1:00 p.m. at the Wayne County DHS office located at [REDACTED] for her redetermination interview.
3. The Claimant signed in at the office and waited for more than an hour for her redetermination interview but was never seen by the case worker.

4. The Claimant's case worker was notified that the Claimant was present for her in-person redetermination hearing.
5. On April 18, 2011, the Department notified the Claimant's FIP case assistance was terminated for failure to appear for the redetermination and provide the requested documentation. Exhibit 1
6. On May 2, 2011, the Department received the Claimant's timely written request for hearing.

### **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 FIP pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code Rules R400.3101-3131. FIP 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 Reference Table Manual (RFT).

The Department must periodically redetermine an individual's eligibility for benefit programs. BAM 210 at 1. A complete redetermination is required at least every 12 months. BAM 210, at 1. The redetermination process begins with the Department mailing a redetermination packet in the month prior to the end of the benefit period. BAM 210, at 4. The packet consists of forms and requests for verification that are necessary for the Department to process the redetermination. The forms needed for redetermination may vary, though a Redetermination (DHS-1010) is an acceptable review form for all programs.

Clients must cooperate with the local office in determining initial and ongoing eligibility. BAM 105, p. 5. Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. BAM 105, p. 5.

In this case, Claimant arrived prior to her scheduled interview time with all requested verifications and waited for more than one hour. There is no evidence that the Claimant refused to cooperate with the Department in its effort to redetermine the Claimant's eligibility. To the contrary, the testimony of both the Claimant and the Department establish that the Department was aware, prior to the scheduled appointment time, of her presence; nevertheless, the Department declined the opportunity to meet with the Claimant. Admittedly, the Claimant did not submit the documents requested in the redetermination packet in advance of the scheduled interview, however, the testimony


established that the Claimant brought the income packet and other needed documents to the in-person interview. Under these facts, the Department failed to establish it acted in accordance with Department policy when it terminated the Claimant's FIP benefits. Accordingly, the Department's FIP termination is REVERSED.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department's termination of the Claimant's FIP benefits is not upheld.

Accordingly, it is Ordered:

1. The Department's termination of the FIP benefits is REVERSED.
2. The Department shall re-open and process from the date of the closure the Claimant's FIP cash assistance case in accordance with Department policy.
3. The Department shall notify the Claimant in writing of the determination in accordance with Department policy.
4. The Department shall supplement the Claimant for any lost benefits she was otherwise eligible and qualified to receive in accordance with Department policy.

  
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**Andrea J. Bradley**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: July 21, 2011

Date Mailed: July 21, 2011

**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.

AJB/pf

cc:

