

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

IN THE MATTER OF:



Reg. No.: 201212101
Issue No.: 1021
Case No.: [REDACTED]
Hearing Date: October 24, 2012
County: Wayne-17 County DHS

ADMINISTRATIVE LAW JUDGE: Corey A. Arendt

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on October 24, 2012 from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED] [REDACTED].

ISSUE

Due to a mass update due to a change in Michigan Law, did the Department properly deny the Claimant's application close Claimant's case for the Family Independence Program (FIP)?

FINDINGS OF FACT

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

1. Claimant applied for benefits received benefits for the FIP.
2. On approximately October 27, 2011, the Department sent the Claimant a notice of case action. The notice indicated the Claimant's FIP benefits were closing.
3. On November 9, 2011, the Claimant requested a hearing to protest the FIP closure.
4. On approximately December 1, 2011, the Claimant's FIP benefits closed.

CONCLUSIONS OF LAW

Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The FIP was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and 1999 AC, R 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

Each month an individual receives federally funded FIP, the individual receives a count of one month. A family is ineligible when a mandatory member of the FIP group reaches the 60 TANF-funded month federal time limit. Any month that an individual's FIP assistance is state funded is not a countable month toward the federal time limit count. To meet the goals of the Family Independence Program, in a limited number of cases, the department has determined to state fund cases with one more of the following characteristics. (BEM 234).

- Two parent households.
- A group that has a parent deferred from the work participation program due to a verified disability or long-term incapacity lasting longer than 90 days; see BEM 230A.
- Court-ordered, unrelated caregivers receiving FIP for a child placed in the home by children services; see BEM 210.
- The only dependent child in the FIP group is 19 years old and attending high school full-time. This applies to months before October 1, 2011.
- A FIP group with no dependent child(ren). This applies only when the legal parent(s) and/or stepparent receives FIP when their dependent child(ren) is in an out-of-home foster care placement due to abuse and/or neglect when there is a plan to return the child(ren) to the parent's home; see BEM 210.

In this case, the Department did not have sufficient evidence to show why the Claimant's FIP case closed on approximately December 1, 2011. The Department provided a Bridges screen print of the total months counted but did not show a printout of the months that were counted. Therefore, I could not determine whether or not the Claimant actually received benefits for each of the months alleged and further could not identify whether the month being counted was properly counted as either federal or state.

Accordingly, I am reversing the Department in this matter.

DECISION AND ORDER

I find, based upon the above Findings of Fact and Conclusions of Law, the Department did not act properly in this matter.

Accordingly, I **REVERSE** the Department's actions.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate a redetermination as to the Claimant's eligibility for FIP benefits beginning December 1, 2011 and issue retroactive benefits if otherwise qualified and eligible.

/s/
Corey A. Arendt
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: October 24, 2012

Date Mailed: October 25, 2012

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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 receipt 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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

2012-12101/CAA

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative hearings
Re consideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CAA/las

cc:

