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

#### IN THE MATTER OF:



Reg. No.: 2012-14271

Issue No.: 1033

Case No.:

Hearing Date: January 25, 2012 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 and MCL 400.37 following Claim ant's request for a hearing. After due notice, a telephone hearing was held on J anuary 25, 2012, from Detroit, Michigan. Participant s on behalf of Claimant included claimant. Participant s on behalf of the Department of Human Services (Department) included

# **ISSUE**

Did the Department properly end the claimant's Refugee Assistance Program (RAP)?

#### FINDINGS OF FACT

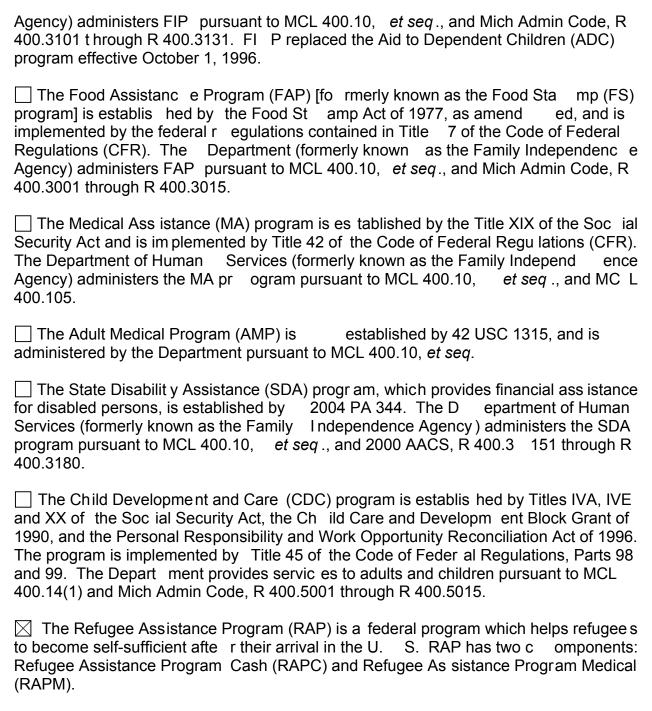
The Administrative Law Judge, based on t he competent, material, and substantial evidence on the whole record, finds as material fact:

- 1. The claimant entered the United States on February 23, 2011.
- 2. The Department closed the claimant's RAP October 1, 2011.
- 3. The claimant requested a hearing on October 5, 2011.

#### **CONCLUSIONS OF LAW**

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

The Family Independence Program (FIP) was established purs uant to the Personal Responsibility and W ork Opportunity Reconc iliation Act of 1996, Public Law 104-193, 42 USC 601, et seq. The Department (formerly k nown as the Family Independence



Additionally, the Department agreed to recalculate the claimant's RAP to ensure that the claimant received his full eight months of RAP.

## **DECISION AND ORDER**

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department

☑ did act properly when it closed the claimant's RAP on October 1, 2011. ☐ did not act properly when .
Accordingly, the Department's $\square$ AMP $\square$ FIP $\square$ FAP $\square$ MA $\square$ SDA $\square$ CDC $\boxtimes$ RAP decision is $\square$ AFFIRMED $\boxtimes$ REVERSED for the reasons stated on the record.
oxtimes THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Recalculate the claimant's RAP benefits from the time of his entry into the United States.

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

Date Signed: February 14, 2012

Date Mailed: February 14, 2012

**NOTICE**: Michigan Administrative Hearing Syst em (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order. MAHS will not or der 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. (60 days for FAP cases)

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 ti mely 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 <u>MAY</u> 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.

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

# MJB/cl

