

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2012-4506
Issue No: 1038
Case No: [REDACTED]
Hearing Date: November 15, 2011
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

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 received on October 5, 2011. After due notice, a telephone hearing was held on November 15, 2011. Claimant personally appeared and provided testimony. Participants on behalf of the Department include [REDACTED] Family Independence Manager and [REDACTED], JET Case Manager.

ISSUE

Whether the department properly determined Claimant's clothing allowance for September 1, 2011 under the Interim Bulletin for Children's Clothing Allowance Letter Correction (BPB 2011-014)?

FINDINGS OF FACT

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

1. On August 10, 2010, Claimant's FIP case closed because her group member/boyfriend failed to comply with work-related activities. (Department Exhibits).
2. On August 24, 2011, the Department mailed a letter to Claimant indicated that because she received FIP, she will receive a [REDACTED] clothing for each eligible child in September, 2011. (Department Exhibit).
3. On September 8, 2011, Claimant applied for FIP for herself and her children and indicated that her boyfriend was no longer a household group member.

4. On October 1, 2011, Claimant's application for FIP was approved and certified.
5. On October 5, 2011, the Department received Claimant's hearing request protesting the Department's failure to pay the clothing allowance for her children per the August 24, 2011 letter. (Request for a Hearing).

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

On September 1, 2011, the Department issued Interim Bulletin for Children's Clothing Allowance Letter Correction (BPB 2011-014). The Bulletin concerns the FIP program. The 2011 Fiscal Appropriations Act included funding for the children's clothing allowance. The allowance was intended to assist FIP families to purchase clothing for their children.

The children's clothing allowance for the 2011 fiscal year is [REDACTED] per eligible child. Eligibility is for all dependent children between the ages of 5-17 **eligible for FIP, including SSI children active in the FIP group for September, 2011.**

Despite the August 24, 2011 letter, Claimant is not eligible for the clothing allowance. Claimant was not eligible for FIP in September, 2011 and she was not eligible until October 1, 2011. The clothing allowance letter does not eliminate or invalidate BPB 2011-014. For these reasons, Claimant is not entitled to the clothing allowance.

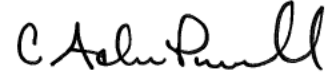
The Administrative Law Judge finds that, based on the material and substantial evidence presented during the hearing, Claimant has not shown that she is entitled to the clothing allowance under BPB 2011-014.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted properly when it determined that Claimant was not eligible for the clothing allowance.

The Department's decision is AFFIRMED.

It is SO ORDERED.



C. Adam Purnell
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 11/22/11

Date Mailed: 11/22/11

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 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.

CAP/ds

