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

#### IN THE MATTER OF:



Reg. No.: 2012-6294 Issue No.: 1000, 1080

Case No.:

Hearing Date: November 29, 2011

County: Wayne (43)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

## **HEARING DECISION**

This matter is before the undersigned Administ rative 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 conducted from Detroit, Michigan on Tuesday, Nov ember 29, 2011. The Claimant appeared and te stified. Participating on behalf of the Department of Human Services ("Department") was

## **ISSUES**

Whether the Department proper ly closed Claimant's case for Family Independenc e Program ("FIP") benefits?

Whether the Department proper ly supplemented the Claimant for FIP benefits for the months of September and October 2011?

# 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 was an ongoing recipient of FIP benefits.
- On September 16<sup>th</sup> and October 5, 2011, the Depar tment issued a \$401.5 0 FIP supplement to the Claimant.
- 3. The Claimant was entitled to receive \$803.00 for each month, September and October.

- 4. On October 11, 2011, the Department notified Claimant that Claimant's FIP case would close because Claimant exceeded the lifetime limit on the receipt of FIP assistance.
- 5. On October 19, 2011, Claim ant filed a Request for Hearing, disputing the Department's actions.

# **CONCLUSIONS OF LAW**

In this case, two issues presented: the first was the termination of FIP benefits and the second relating to a shortage of the FIP supplement. Each issue will be addressed separately.

### **FIP closure**

Rule 400.903(3), in pertinent part, states:

A hearing shall not be granted when either state or federal law requires automatic grant adjustments for classes of recipients, unless the reason for an individual appeal is incorrect grant computation.

See also Bridges Administrative Manual which articulates policies regarding the hearing process. The Michigan Admini strative Hearing System will **not** grant a hearin g regarding the issue of a mass update required by state or federal law **unless** the reason for the request is an issue of incorrect computation of program b enefits or patient-pay amount. BAM 600.

In the instant case, the Claimant does not di spute the amount of time FIP benefits were received. The evidence and testimony provi ded confirm that the Cla imant is disputing action taken as a res ult of a change in law and po licy that placed a lifetime limit on the receipt of assistance through the Family Independence Program. There are no other adjudicable issues raised with respect to the FIP termination. As there is no right to contest the change in law or policy, the Request for Hearing regarding the FIP closure is DISMISSED.

## **FIP Supplement**

The Family Independence Pr ogram ("FIP") was established pursuant to the Persona I 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 Agency, administers FIP pursuant to MCL 400.10, et seq., and Mich Admin Code, Rules 400.3101 through R 400.3131. FIP replac ed the Aid to Dependent Children program effective October 1, 1996. Department policies are contained in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Reference Tables ("RFT").

The law pr ovides that disposition may be made of a contest ed case by s tipulation or agreed settlement. MCL 24. 278(2).

In this case, the Claimant was entitled to \$803.00/month for both September and October 2011. The Department supplemented the Claimant for \$401.50 for each month, thus shorting the Claimant for a to tall of \$803.00. During the hearing, the Department acknowledged the error and agreed to issue the \$803.00 supplement. In light of the accord, there is no further issue that needs to be addressed.

# **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 re cord, finds that the Department acted in accordance with policy when it closed the CI aimant's FIP benefits for exceeding the time limitations. Additionally, it is found the parties have reached an agreement with respect to the supplement covering September and October 2011.

Accordingly, the Department's decision to terminate FIP benefits is AFFIRMED.

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

The Department shall, as agreed, issue the \$803.00 FIP supplement for the months of September and October 2011 in accordance with Department policy.

Colleen M. Mamuka

Colleen M. Mamelka

Administrative Law Judge for Maura Corrigan, Director Department of Human Services

Date Signed: November 30, 2011

Date Mailed: November 30, 2011

**NOTICE:** Michigan Administrative Hearing S ystem (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 order 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 <u>MAY</u> 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

### CMM/cl

cc: