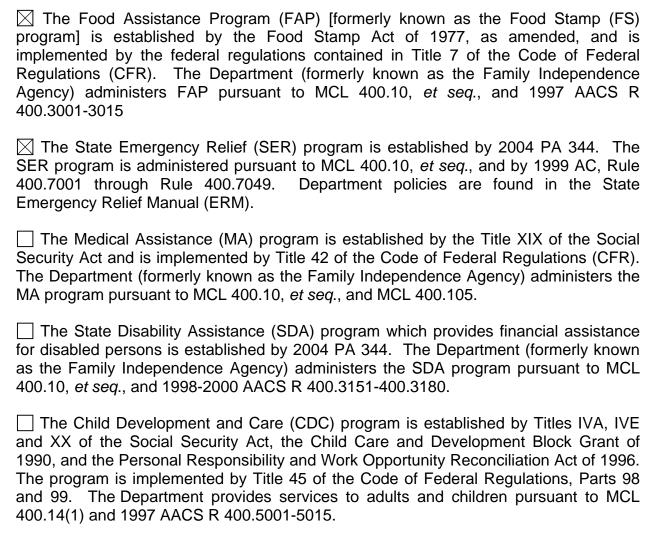
STATE OF MICHIGAN MICHIGAN ADMINISTRATIVE HEARING SYSTEM ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

| | Reg. No.: Issue No.: Case No.: Hearing Date: County: | 2012 66640 3008, 1017, 5016 August 29, 2012 Oakland County DHS(02) |
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| ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris | | |
| HEARING DECIS | SION | |
| This matter is before the undersigned Administration and MCL 400.37 following Claimant's request telephone hearing was held on August 29, 2012, from behalf of Claimant included the Claimant. Particing Human Services (Department) included ISSUE | for a hearing. om Detroit, Michi | After due notice, a gan. Participants on of the Department of |
| Due to a failure to comply with the verification properly ☐ deny Claimant's application ☒ close the benefits for: | | |
| | _ | ssistance (SDA)? nt and Care (CDC)? |
| Did the Department properly deny Claimant's requassistance with energy or utility service(s)? | est for State Eme | ergency Relief (SER) |
| Did the Department correctly calculate the Claim until Claimant requested closure of her FIP case? | ant's FIP benefit | s for April and May |
| FINDINGS OF F | <u>ACT</u> | |
| The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, including testimony of witnesses, finds as material fact: | | |
| 1. Claimant ☐ applied for ☒ was receiving: ☐F | IP ⊠FAP □MA [| □SDA □CDC. |
| | | |

| 2. | Claimant was required to submit requested verification by June 1, 2012 (redetermination). |
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| 3. | On June 30, 2012, the Department denied Claimant's application. closed Claimant's case(FAP) reduced Claimant's benefits. |
| 4. | On June 1, 2012, the Department sent notice of the denial of Claimant's application. closure of Claimant's case Notice of Missed Interview (Exhibit 2). reduction of Claimant's benefits. |
| 5. | On June 6, 2012, Claimant applied for SER assistance with energy or utility service. |
| 6. | On June 6, 2012 , the Department sent notice of the application denial to Claimant. (Exhibit 4) $$ |
| 7. | At the time of the SER application Claimant had \$261.08 in her bank account and her utility bill was \$106.74. |
| 8. | The Claimant applied for FIP benefits on March 26, 2012 and was receiving child support at the time of her application. |
| 9. | The Claimant's FIP case was closed, at her request, in June because she believed the Department was not calculating her benefits correctly, and, because she began a job and was also denied a deferral by MRT from attending Work First. |
| 10 | On 7/27/12, Claimant filed a hearing request, protesting the ⊠ denial of claimant's SER application. |
| | CONCLUSIONS OF LAW |
| | partment policies are found in the Bridges Administrative Manual (BAM), the Bridges gibility Manual (BEM) and the Reference Tables Manual (RFT). |
| Re 42 Ag 313 | The Family Independence Program (FIP) was established pursuant to the Personal sponsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, USC 601, et seq. The Department (formerly known as the Family Independence ency) administers FIP pursuant to MCL 400.10, et seq., and 1997 AACS R 400.3101-31. FIP replaced the Aid to Dependent Children (ADC) program effective tober 1, 1996. |



Additionally, The Department sent the Claimant a second redetermination packet on June 6, 2012, after the Claimant advised the Department that the packet had not been received. The Department never received a redetermination from the Claimant and closed the Claimant's FAP assistance case for failure to complete the redetermination. It appears, based upon the evidence presented at the hearing, that the Department correctly closed the Claimant's FAP case (waiting as late as June 30, 2012 to close the case). Under these facts and circumstances, it is determined that the Department correctly closed the FAP case because the Claimant never completed the redetermination. Department of Human Services Bridges Administrative Manual, (BAM) 130 (2011).

SER Application Denial

The Department timely denied the Claimant's request for SER for her utility bill. The Department determined, based on the Claimant's assets at the time, that she was not eligible for SER because the Claimant's asset co-payment was equal to, or greater than, the amount needed to resolve the emergency (Exhibit 4). The Department sent the Claimant the SER decision notice, at the correct address, advising the Claimant of its

decision. The Claimant testified that she did not receive the decision, and thus caused her utility to be shut off. Notwithstanding the unfortunate circumstance of Claimant's utility being shut off, the Department correctly determined that the Claimant was not eligible for SER based on her current assets and thus is not otherwise responsible for the Claimant's utility bill under its policies. It is noted that the Decision Notice was sent to the Claimant in a timely manner and to the correct address. Thus, it is found the notice was received and the Department's actions denying the SER request was correct and is affirmed based upon the SER budget provided by the Department, which used the correct asset information and the correct utility bill amount. Department of Human Service Emergency Relief Manual (ERM) 103, (2011). Exhibit 4.

Family Independence Benefits

The Claimant, in her request for hearing, indicated that she believed that her FIP benefits were improperly calculated based upon her child support and that errors were made in her FIP benefit amount. The Department did not present any FIP budgets at the hearing and a fair reading of the hearing request put the Department on notice that the cash benefit amounts were at issue. It must be noted that the Department, if it did not correctly calculate the FIP benefits, must supplement the Claimant for FIP benefits the Claimant should have received. It is further noted that the Department is not responsible for the FIP benefit closure, as the Claimant requested the closure due to beginning employment and indicating to the Department that she did not want to attend Work First after MRT denied a medical deferral for the Claimant. Nonetheless, the Claimant is entitled to all benefits she is entitled to receive in the correct amount. The Department did not meet its burden of proof as to whether the FIP benefits were correct and thus must recalculate the benefits.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons

| stated on the record, the Administrative Law Judge concludes that the Department properly improperly |
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| ☐ closed Claimant's Food Assistance case. ☐ denied Claimant's SER application. ☐ reduced Claimant's benefits. |
| The Department did not demonstrate that the FIP benefit amounts received by the Claimant from the date of application until closure were correctly calculated, and thus did not establish that the FIP benefit amounts were correct. |
| 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 did not act properly. |

Accordingly, the Department's decision is \boxtimes AFFIRMED \square REVERSED for the reasons stated on the record and set for in this decision as regards the closure of Claimant's FAP case and denial of the Claimant's SER application.

The Department did not demonstrate that it correctly calculated Claimant's FIP benefits and therefore did not establish that it acted correctly.

Accordingly the Departments decision is REVERSED

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

- 1. The Department shall initiate reopening of the Claimant's FIP case retroactive to the date of closure.
- 2. The Department shall recalculate the Claimant's FIP benefits for the period from her application through the date of closure to determine if the FIP benefits issued were correct based upon income, if any, Claimant received and child support received.
- 3. If upon recalculation of the FIP benefits, the Department determines that it erred in the calculation of Claimant's FIP benefits and that the Claimant did not receive the full amount of her FIP benefits based on this recalculation, the Department shall issue a supplement to the Claimant for any FIP benefits the Claimant was otherwise entitled to receive in accordance with Department policy.

Lynn M. Ferris

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

Date Signed: <u>September 6, 2012</u>

Date Mailed: September 6, 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 <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:

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- 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 Reconsideration/Rehearing Request P. O. Box 30639 Lansing, Michigan 48909-07322

LMF/hw

CC:

