

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201253059
Issue No: 1005
Case No: [REDACTED]
Hearing Date: September 12, 2012
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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. After due notice, a hearing was held on September 12, 2012. Claimant appeared and testified. A Department representative from the Wayne County Greydale District Office was supposed to participate but did not.

ISSUE

Did the Department of Human Services properly close Claimant's Family Independence Program (FIP) case on March 1, 2012 for failing to turn in her Redetermination Form (DHS-1010)?

FINDINGS OF FACT

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

1. While Claimant was being served by the Wayne County Greydale District Office her Family Independence Program (FIP) case due for re-determination. Claimant submitted her Redetermination Form (DHS-1010) within the required time.
2. On February 18, 2012, Claimant was sent a Notice of Case Action (DHS-1605) which stated her Family Independence Program (FIP) was to lose on March 1, 2012 because she did not return the required Redetermination Form (DHS-1010).
3. In March 2012, Claimant was still receiving Food Assistance Program (FAP) benefits and her case file was transferred to an ES worker in Macomb County. Claimant submitted an application for Family Independence Program (FIP) benefits and Case Worker [REDACTED] was

assigned the case file. [REDACTED] spoke with Claimant's previous case worker at the Greendale Office [REDACTED] worker about Claimant's Family Independence Program (FIP) closure. [REDACTED] was told that Claimant had submitted the Redetermination Form (DHS-1010) and that the Greendale worker intended to reinstate Claimant's Family Independence Program (FIP) benefits for March 2012. [REDACTED] processed Claimant's application and approved Claimant for Family Independence Program (FIP) benefits beginning April 1, 2012.

4. On April 19, 2012, Claimant submitted a request for hearing.

CONCLUSIONS OF LAW

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) and the Program Reference Manual (PRM).

In this case Claimant testified that she submitted her Redetermination Form (DHS-1010) in time. Case Worker Thomas testifies that Claimant's previous Greendale Office case worker reported Claimant had turned in the Redetermination Form (DHS-1010) and Claimant's Family Independence Program (FIP) benefits should be reinstated for March.

The evidence in this case is sufficient to find that Claimant's Family Independence Program (FIP) case was closed in error.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services DID NOT properly close Claimant's Family Independence Program (FIP) case on March 1, 2012 for failing to turn in her Redetermination Form (DHS-1010).

It is ORDERED that the actions of the Department of Human Services, in this matter, are REVERSED.

It is further ORDERED that Claimant's Family Independence Program (FIP) benefits be reinstated for March 2012 and any benefits not received because of the Department's incorrect action will be supplemented.

/s/

Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: October 2, 2012

Date Mailed: October 3, 2012

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 mailing 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.

GFH/tb

cc:

