

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-6693
Issue No.: 1000, 1080
Case No.: [REDACTED]
Hearing Date: November 29, 2011
County: Wayne (43)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on Tuesday, November 29, 2011. The Claimant appeared and testified. Participating on behalf of the Department of Human Services ("Department") was [REDACTED].

ISSUES

Whether the Department properly closed Claimant's case for Family Independence Program ("FIP") benefits?

Whether the Department properly supplemented the Claimant for FIP benefits for the month of October 2011?

FINDINGS OF FACT

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

1. The Claimant was an ongoing recipient of FIP benefits.
2. In October 2011, the Claimant received FIP benefits in the amount of \$246.00.
3. The Claimant was entitled to receive \$496.00/month for 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 21, 2011, Claimant 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 benefits for October 2011. 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 Administrative Hearing System will **not** grant a hearing 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 benefits or patient-pay amount. BAM 600.

In the instant case, the Claimant does not dispute the amount of time FIP benefits were received. The evidence and testimony provided confirm that the Claimant is disputing action taken as a result of a change in law and policy that placed a lifetime limit on the receipt of assistance through the Family Independence Program. There are no other adjudicable issues raised regarding the FIP closure. 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 Program ("FIP") was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department, formerly known 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 replaced 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 provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24. 278(2).

In this case, the Claimant was entitled to \$492.00/ month for October 2011. The Department issued half the amount, thus shorting the Claimant for a total of \$246.00. During the hearing, the Department acknowledged the error and agreed to issue the \$246.00 supplement. In light of the accord, there is no further issue that needs to be addressed.

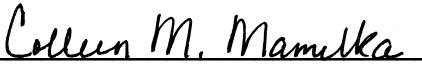
DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department acted in accordance with policy when it closed the Claimant's FIP benefits for exceeding the time limitations. Additionally, it is found the parties have reached an agreement with respect to the supplement covering 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 \$246.00 FIP supplement for the month of October 2011 in accordance with Department policy.


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 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. (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 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 **MAY** 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

Reconsideration/Rehearing Request

P. O. Box 30639

Lansing, Michigan 48909-07322

CMM/cl

cc:

