

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201315030
Issue No: 1021
Case No: [REDACTED]
Hearing Date: January 15, 2013
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Christopher S. Saunders

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on January 15, 2013. The claimant personally appeared and provided testimony. [REDACTED] interpreted for the claimant.

ISSUE

Whether the department properly implemented the decision of the Administrative Law Judge (ALJ) regarding the claimant's prior hearing for Family Independence Program (FIP) benefits?

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 October 15, 2012, the claimant had a hearing in front of [REDACTED].
2. The hearing decision issued on October 24, 2012 resulted in a reversal of the action of the department.
3. On November 20, 2012, the claimant filed a request for hearing asserting that the department did not follow the order of the ALJ contained in the October 24, 2012 decision and order.

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 affective eligibility for benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. 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) and the Bridges Reference Manual (BRM).

In the case at hand, this Administrative Law Judge requested that the department send over a copy of the notice of case action to show what action was taken by the department in relation to the decision and order (D&O) issued by [REDACTED]. This Administrative Law Judge further requested that the department provide a copy of the D&O so that it could be compared to the notice of case action. To date the department has not provided the requested documents. As this Administrative Law Judge does not have any evidence to show what was ordered and/or what was executed, this Administrative Law Judge finds that the department has not met its burden of going forward to show that it took action in accordance with the D&O issued by [REDACTED].

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did not meet its burden of going forward to show that it took action in accordance with the October 24, 2012 D&O issued by [REDACTED]

Accordingly, the department's actions are **REVERSED**.

It is HEREBY ORDERED that the department shall comply with the October 24, 2012 decision and order issued by [REDACTED].

/s/ _____
Christopher S. Saunders
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: February 8, 2013
Date Mailed: February 11, 2013

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 60 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.

CSS/cr

cc:

[REDACTED]