

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

IN THE MATTER OF:



Reg. No.: 2013-27665
Issue No.: 1038; 5000
Case No.: [REDACTED]
Hearing Date: April 24, 2013
County: Wayne (41)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 held on April 24, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], FIS, and [REDACTED], FIM.

ISSUE

Did the Department properly deny Claimant's application close Claimant's case
 calculate Claimant's benefits for:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> Adult Medical Assistance (AMP)? |
| <input type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input type="checkbox"/> Medical Assistance (MA)? | <input type="checkbox"/> Child Development and Care (CDC)? |

FINDINGS OF FACT

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

1. On November 19, 2012, Claimant applied for benefits for FIP.
2. On November 28, 2012, the Department issued a Work Participation Program Appointment Notice, stating that if Claimant could not keep the appointment, she should call her worker prior to the appointment date.
3. Claimant called her worker prior to the appointment date and indicated that she could not attend the appointment.

4. On December 28, 2012, the Department
 denied Claimant's application closed Claimant's case calculated Claimant's benefits.
5. On December 28, 2012, the Department sent
 Claimant Claimant's Authorized Representative (AR)
notice of the denial. closure. calculation.
6. On February 1, 2013, Claimant filed a hearing request, protesting the
 denial of the application. closure of the case. calculation.
7. In addition, on February 1, 2013, Claimant requested a hearing regarding State Emergency Relief (SER), but at the hearing, Claimant stated she no longer requested a hearing regarding SER.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

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 1999 AC, Rule 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

The State Emergency Relief (SER) program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, *et seq.*, and by 1999 AC, Rule 400.7001 through Rule 400.7049. Department policies are found in the State Emergency Relief Manual (ERM).

In the present case, Claimant applied for FIP on November 19, 2012. On November 28, 2012, the Department issued a Work Participation Program Appointment Notice, stating that if Claimant could not keep the appointment, she should notify her worker prior to the appointment date. Claimant testified credibly, and without contradiction from her worker at the hearing, that she notified her worker prior to the appointment date that she could not attend the appointment. Nevertheless, the Department denied Claimant's application. It is noted that the Hearing Summary indicates that the application was denied due to not participating with the JET program. If this is in fact the reason for the denial, the Department was not correct, as Claimant followed the Work Participation Program Appointment Notice instructions, notifying her worker that she could not attend the appointment. In addition, the Department acknowledged at the hearing that it had received medical information excusing Claimant from work activities on or about December 20, 2012, prior to the denial date of December 28, 2012.

In addition, the Department included as Exhibit 3 a Notice of Case Action, dated December 28, 2012. The Notice of Case Action does not address the proffered reasoning by the Department at the hearing for the denial, that is, that Claimant did not participate in work-related activities. Rather, the Notice of Case Action indicates that the cash program was denied, but addresses only the eligibility of Jazmine Treshay Windom. Based on this discussion, the Department did not substantiate its reason for denying Claimant's FIP application, and was therefore not correct in its decision to deny Claimant's FIP application.

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 denied Claimant's application improperly denied Claimant's application
 properly closed Claimant's case improperly closed Claimant's case
 properly calculated Claimant's benefits improperly calculated Claimant's benefits

for FIP. In addition, Claimant stated during the hearing that she no longer requested a hearing regarding SER.

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

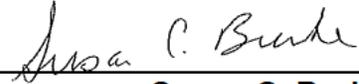
did act properly. did not act properly.

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record.

THE DEPARTMENT SHALL INITIATE WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER, THE FOLLOWING:

1. Initiate reinstatement and reprocessing of Claimant's FIP application of November 19, 2012.
2. Notify Claimant's of its decision with regard to the application in writing.
3. Issue FIP supplements for any payments Claimant was entitled to receive but did not receive, in accordance with Department policy.

IT IS FURTHER ORDERED that Claimant's request for hearing regarding SER is DISMISSED pursuant to Claimant's request.



Susan C. Burke
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 25, 2013

Date Mailed: April 25, 2013

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 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

SCB/tm

cc:

