

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

IN THE MATTER OF:

██████████
████████████████████
██████████

Reg. No.: 2013-28250
Issue No.: 1005
Case No.: ██████████
Hearing Date: June 3, 2013
County: Oakland (04)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 June 3, 2013, from Detroit, Michigan. Claimant appeared and testified. Participants on behalf of the Department of Human Services (Department) included ██████████ fries, Family Independence Specialist.

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly close Claimant's case 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, including testimony of witnesses, finds as material fact:

1. Claimant was an ongoing recipient of FIP benefits.
2. On December 11, 2012, the Department sent Claimant a redetermination that was to be completed and returned on or before January 2, 2013. (Exhibit 2)
3. On January 19, 2013 the Department sent Claimant a Notice of Case Action informing her that effective February 1, 2013, the Department intended to terminate her FIP benefits due to a failure to return the redetermination. (Exhibit 3)
4. On January 31, 2013, Claimant filed a hearing request, disputing the Department's actions.

CONCLUSIONS OF LAW

Department policies are found in the Department of Human Services 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 Mich Admin Code, R 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

Additionally, the Department must periodically redetermine an individual's eligibility for active programs. The redetermination process includes a thorough review of all eligibility factors. BAM 210 (November 2012), p 1. A client must complete a redetermination at least every 12 months in order for the Department to determine the client's continued eligibility for benefits. BAM 210, p. 1. For FIP cases, the Department must also conduct a telephone interview with the head of household at redetermination before certifying continued eligibility. BAM 210, p. 4. If the redetermination packet is not logged in by the negative action cut-off date of the redetermination month, the Department sends the client a Notice of Case Action and automatically closes the FIP case. BAM 210, p. 9.

In this case, on December 11, 2012, the Department sent Claimant a redetermination that was to be completed and returned on or before January 2, 2013. A FIP interview was also scheduled for January 2, 2013 at 10:15 A.M. (Exhibit 2). The Department testified that because it did not receive a completed redetermination, on January 19, 2013 the Department sent Claimant a Notice of Case Action informing her that effective February 1, 2013 the Department intended to terminate her FIP benefits due to a failure to return the redetermination. BAM 210, p. 9; (Exhibit 3).

At the hearing, Claimant credibly testified that she completed the redetermination and submitted it to the Department through the mail on December 17, 2012. Claimant stated that she sent the completed redetermination to the Department's local office at 235 N. Saginaw St., Pontiac, MI 48342. The Department verified that this was the correct address. Claimant further testified that she contacted the Department on January 1, 2013 and left a message for her case worker informing him that she had an emergency and had to travel out of town during the time scheduled for her telephone interview. Claimant requested that her interview be rescheduled; however, she received no return phone call from the Department regarding the interview. Claimant stated that after receiving the Notice of Case Action informing her of her FIP case closure, she contacted the Department and was told she should resend the redetermination. On February 11, 2013, Claimant faxed the Department a second copy of the redetermination she originally mailed on December 17, 2012.

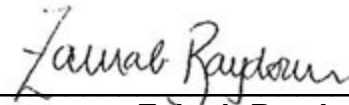
In addition, Claimant testified that she completed and faxed a hearing request withdrawal on February 11, 2013 and was informed by the Department that her FIP case would be reinstated. The Department verified that it did appear that there was some type communication with Claimant regarding having her case reinstated after a hearing request withdrawal was completed. This further supports Claimant's testimony that she timely completed and returned the redetermination. Therefore, the Department did not act in accordance with Department policy when it closed Claimant's FIP case for failure to return the completed redetermination.

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 not act in accordance with Department policy when it closed Claimant's FIP case for failure to return the redetermination. Accordingly, the Department's 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. Initiate reinstatement of Claimant's FIP case effective February 1, 2013 in accordance with Department policy and consistent with this Hearing Decision;
2. Begin reprocessing Claimant's FIP redetermination;
3. Begin issuing supplements to Claimant for any FIP benefits that she was entitled to receive but did not from February 1, 2013, ongoing in accordance with Department policy; and
4. Notify Claimant of all decisions in writing in accordance with Department policy;



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

Date Signed: June 24, 2013

Date Mailed: June 24, 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 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 affect the substantial rights of the claimant:
 - 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

ZB/cl

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]