

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-29450
Issue No.: 1005
Case No.: [REDACTED]
Hearing Date: March 21, 2013
County: Macomb-12 County DHS

ADMINISTRATIVE LAW JUDGE: Corey A. Arendt

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 March 21, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED] [REDACTED].

ISSUE

Did the Department properly close the Claimant's Family Independence Program (FIP) case?

FINDINGS OF FACT

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

1. As of February 5, 2013, the Claimant was receiving FIP benefits.
2. On February 6, 2013, the Department closed the Claimant's FIP case due to a school attendance issue.
3. On or around February 6, 2013, the Department determined the Claimant did not violate the FIP school attendance policy and concluded the Claimant's FIP case should not have closed.
4. On or around February 6, 2013, the Department pended the Claimant's FIP case but did not re-open it.
5. On February 13, 2013, the Claimant requested a hearing regarding the FIP closure.
6. At no point in time relevant to February 6, 2013 closure did the Department reopen the Claimant's FIP case.

CONCLUSIONS OF LAW

The 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 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).

DHS requires clients to participate in employment and self-sufficiency-related activities and to accept employment when offered. Our focus is to assist clients in removing barriers so they can participate in activities which lead to self-sufficiency. However, there are consequences for a client who refuses to participate, without good cause.

The goal of the FIP penalty policy is to obtain client compliance with appropriate work and/or self-sufficiency-related assignments and to ensure that barriers to such compliance have been identified and removed. The goal is to bring the client into compliance.

In this case, the Claimant protested the Department's closure of the Claimant's FIP case. The Department indicated the closure arose from a violation of a school attendance policy. Upon Department review, the Department determined the Claimant was not in violation of the policy. However, instead of reopening the Claimant's case, the Department left it closed and pended the case for a PATH orientation. The Department could not explain why the case was not properly reopened.

If the case was closed due to Department error, it should have been re-opened and not pended for further action by the Claimant; certainly if the reason for the closure was not the fault of the Claimant. For these reasons, I find evidence to reverse the Department's actions.

DECISION AND ORDER

I find, based upon the above findings of fact and conclusions of law, decide that:

1. The Department improperly closed the Claimant's FIP case.
2. The Department is ordered to initiate a redetermination as to the Claimant's eligibility for FIP benefits beginning February 6, 2013 and issue retroactive benefits if otherwise eligible and qualified.

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



Corey A. Arendt
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: March 22, 2013

Date Mailed: March 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 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

2013-29450/CAA

CAA/las

cc:

