

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

**IN THE MATTER OF:**



Reg. No. 2013-32598  
Issue No. 1038  
Case No. [REDACTED]  
Hearing Date: April 3, 2013  
County: Wayne (31)

**ADMINISTRATIVE LAW JUDGE:** Susan C. Burke

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge upon Claimant's request for a hearing made pursuant to MCL 400.9 and MCL 400.37, which govern the administrative hearing and appeal process. After due notice, a telephone hearing was held on April 3, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included [REDACTED].

**ISSUE**

Whether the Department properly closed Claimant's case for benefits under the Family Independence Program (FIP) based on Claimant's failure to participate in employment-related activities.

**FINDINGS OF FACT**

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

1. Claimant was an ongoing recipient of FIP benefits and was required to participate in employment-related activities.
2. On November 19, 2012, the Department sent Claimant a Notice of Noncompliance at her previous address, informing Claimant of a failure to participate in employment-related activities .

3. Claimant did not receive the Notice of Noncompliance.
4. The Department held the triage and found that Claimant had failed to comply with employment-related activities without good cause.
5. On November 19, 2012, the Department sent Claimant a Notice of Case Action closing Claimant's FIP case, and reducing Claimant's FAP benefits, effective December 1, 2012 based on a failure to participate in employment-related activities without good cause.
6. Claimant was working during the alleged period of noncompliance.
7. On January 2, 2013, Claimant requested a hearing disputing the Department's action.

### **CONCLUSIONS OF LAW**

Department policies are found 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.

As a condition of eligibility for FIP and FAP, clients may be required to participate in employment-related activities. BEM 233A If clients do not participate in employment-related activities without good cause, a sanction may be imposed on their cases. *Id.*

On November 19, 2012, the Department issued a Notice of Noncompliance, mailing it to Claimant's old address. Claimant testified credibly that she did not receive the Notice of Noncompliance. Claimant also testified that she was working at the time of alleged noncompliance.

First, I am not satisfied that the Department followed its policy delineated in BEM 233A, that is, giving Claimant proper notice of the triage, as the Notice of Noncompliance shows an address that was not Claimant's address at the time the Notice of Noncompliance was issued.

Second, I am satisfied that Claimant was working at the time of the alleged noncompliance.

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 closed Claimant's FIP case.  improperly closed Claimant's FIP case.

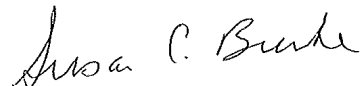
**DECISION AND ORDER**

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 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. Remove the sanction from Claimant's FIP case.
2. Initiate reinstatement of Claimant's FIP benefits, effective December 1, 2012, if Claimant is otherwise eligible for the program.
3. Issue FIP supplements, in accordance with Department policy.



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

Date Signed: April 4, 2013

Date Mailed: April 4, 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)

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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

SCB/tm

cc:

