

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201332886  
Issue No.: 1038  
Case No.: [REDACTED]  
Hearing Date: April 10, 2013  
County: Wayne County (#31)

**ADMINISTRATIVE LAW JUDGE: MICHELLE HOWIE**

**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 conducted from Detroit, Michigan on Wednesday April 10, 2013. Participants on behalf of Claimant included the Claimant and Hearing Representative, [REDACTED] Participant on behalf of Department of Human Services (Department) was [REDACTED] (Family Independence Specialist).

**ISSUE**

Whether the Department properly denied the Claimant's application for cash assistance (FIP) due to failure of a group member to attend the work participation program;

Whether the Department properly closed her Food Assistance Program (FAP) benefits?

**FINDINGS OF FACT**

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

1. The Claimant was an ongoing FAP recipient; and submitted an application for FIP benefits to the Department in January 2013.
2. On January 14, 2013, the Department sent separate Path Appointment Notices for both the Claimant and another group member to attend on January 22, 2013. (Exhibit 2 & 3)

3. On February 12, 2013, the Department sent Notice of Case Action to Claimant informing her that her FIP benefits would be denied effective February 1, 2013, for failure of a group member to attend the PATH orientation. (Exhibit 5)
4. The Department closed Claimant's FAP benefits effective January 1, 2013.
5. On February 25, 2013, the Department received the Claimant's written hearing request disputing the action.
6. On the same date, the Claimant submitted another application for FIP and FAP benefits. The FIP determination is pending; and the FAP benefits were approved as of February 25, 2013.

### **CONCLUSIONS OF LAW**

As a preliminary matter, the Department did not present any documentary such as Notice of Case Action or testimonial evidence regarding the reason for closure of the FAP benefits. Therefore, the evidence is clearly insufficient to support a finding that the Department acted in accordance with policy when it closed Claimant's FAP benefits as of January 1, 2013. The remainder of the decision will only address the FIP benefits.

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

When an individual applies for cash assistance, the Department determines group composition and builds an eligibility determination group (EDG) for the FIP program. Group composition is the determination of which individuals living together are included in the FIP eligibility determination group (EDG) and the FIP certified group. BEM 210 (October 2011), p. 1. Which individuals to include in FIP groups are based on several factors including age, school attendance, relationships and etc. BEM 210, p. 3. When a dependent child is a mandatory FIP EDG member then all individuals who live together such as the dependent child's parent, the dependent child, the dependent child's child are to be included in the FIP group. BEM 210, p. 4. Failure of any FIP EDG member to complete FIP eligibility requirements will cause ineligibility for the entire FIP EDG. BEM 210, p. 4.

In this case, the Claimant testified credibly that she moved from one zip code area to another in November 2012. At which time she notified the Department that a previous mandatory group member was no longer in the household. Evidence indicates that the Claimant's ongoing FAP benefits were reduced from \$793.00 to \$430.00, effective December 2012, as the result of a group member being removed from the FAP group. (see Exhibit 6) Claimant testified that she was required to re-apply for FAP benefits in November 2012 when she moved; and in January 2013 she submitted an application for FIP benefits. As a result of the January 2013 FIP application, the Department required the Claimant and a group member that was previously removed from the household group to attend the PATH orientation. Claimant testified credibly that she did not get the notice to attend the PATH orientation; and the other group member was not included on her application for FIP benefits in January 2013 because the person was no longer a member of the household.

The Department representative testified that the Claimant's January 2013 application for FIP benefits was denied because the other group member did not attend the PATH orientation. She further stated that when Claimant re-applied for FIP benefits on February 25, 2013, the new application discarded information pertaining to the January 2013 application. Therefore, she was unable to provide any evidence regarding the Claimant's earlier application. The Department representative further testified that she did not know the reason for the closure of the FAP benefits as of January 1, 2013. Evidence indicates the Department was clearly notified that the group member had left the household and had acted upon that information in November 2012 when it reduced Claimant's FAP benefits as of December 1, 2012. The failure of an individual that is no longer a household member to attend the PATH orientation is not a valid reason to determine the Claimant ineligible for FIP benefits. Therefore, on this record, the Department did not establish by a preponderance of the evidence that it acted in accordance with policy when it denied the Claimant's January 2013 FIP application and stopped her FAP benefits as of January 1, 2013.

Accordingly, the Department action is not upheld.

### **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 establish it acted properly when it denied the January 2013 application for FIP benefits and closed the FAP benefits as of January 1, 2013.

Accordingly, the Department's  FIP  FAP determination is hereby, **REVERSED**.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. The Department shall begin re-registering and processing the Claimant's FIP application back to the January 2013 application date and issue a supplement for lost FIP benefits the Claimant was otherwise eligible to receive in accordance with policy.

2. The Department shall reinstate Claimant's FAP benefits as of December 1, 2012, ongoing and issue a supplement for lost FAP (if any) the Claimant was otherwise eligible and qualified to receive in accordance with policy.

*M. Howie*

**MICHELLE HOWIE**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: 4/19/2013

Date Mailed: 4/19/2013

**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

MH/hw

cc:

