

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201334711
Issue No.: 1015
Case No.: [REDACTED]
Hearing Date: June 13, 2013
County: Wayne DHS (31)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 13, 2013, from Detroit, Michigan. Participants included the above-named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly reduced Claimant's Family Independence Program (FIP) eligibility based on Claimant's reported changes..

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 FIP benefit recipient.
2. Claimant began receiving employment income.
3. On 2/23/13, DHS initiated a reduction of Claimant's FIP benefit eligibility, effective 4/2013, based on Claimant's employment income.
4. On approximately 2/28/13, Claimant's employment ended.
5. On 3/4/13, Claimant requested a hearing to stop the FIP benefit reduction.

CONCLUSIONS OF LAW

The Family Independence Program (FIP) is a block grant that was established by the Social Security Act. Public Act (P.A.) 223 of 1995 amended P.A. 280 of 1939 and provides a state legal base for FIP. FIP policies are also authorized by the Code of Federal Regulations (CFR), Michigan Compiled Laws (MCL), Michigan Administrative Code (MAC), and federal court orders. Amendments to the Social Security Act by the U.S. Congress affect the administration and scope of the FIP program. The U.S. Department of Health and Human Services (HHS) administers the Social Security Act. Within HHS, the Administration for Children and Families has specific responsibility for the administration of the FIP program. DHS policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

Claimant requested a hearing on 3/4/13. Her hearing request was tied to a case action taken by DHS on 2/23/13 which was a reduction in FIP benefits based on employment income. Claimant conceded that the case action taken by DHS on 2/23/13 was correct (at least was correct as of 2/23/13). Claimant testified that she lost her employment a few days later and then requested a hearing on 3/4/13.

Income decreases that result in a benefit increase must affect the month after the month the change is reported or occurred, whichever is earlier, provided the change is reported timely. Clients must report changes in circumstance that potentially affect eligibility or benefit amount. BAM 105 (9/2012), p. 1.

From Claimant's perspective, her hearing request was appropriate because she wanted to stop a closure of FIP benefits based on an income increase after a change resulted in a stoppage in income. Claimant should have simply reported the employment income stoppage to DHS. Had Claimant done so, then DHS could have requested verification of the income stoppage and affected Claimant's FIP benefit eligibility accordingly after receiving verification. A hearing request was not the appropriate method to cease the closure. Had Claimant reported the stoppage of employment income on her hearing request, perhaps, a hearing could have been held to determine whether DHS appropriately acted on the information. As it happened, Claimant requested a hearing disputing a FIP termination without informing DHS of a change in her income, either before requesting a hearing or on the hearing request. Claimant failed to allege any improper DHS action in processing her FIP eligibility.

Claimant testified that DHS failed to adjust her FIP eligibility even after she reported the income stoppage to DHS in mid-3/2013. Accepting Claimant's testimony as true would not justify an administrative hearing consideration. Claimant's hearing request was submitted to DHS on 3/4/13. Perhaps a benefit dispute occurred, but it occurred after 3/4/13, the date of Claimant's hearing request. Clients may not request a hearing for one reason and then expect an administrative remedy for an issue that arose after the hearing request. The logic behind this is to give DHS due process in the administrative process. DHS cannot fairly address a client dispute without proper notice of the dispute.

It is found that Claimant is not entitled to an administrative remedy based on a hearing request dated 3/4/13 for DHS actions that occurred after 3/4/13. As noted during the hearing, Claimant was advised to separately request a hearing for any unresolved dispute.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly initiated termination of Claimant's FIP benefit eligibility, effective 4/2013. The actions taken by DHS are AFFIRMED.



Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 6/21/2013

Date Mailed: 6/21/2013

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

CG/hw

cc:

