

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

IN THE MATTER OF:



Reg. No.: 2013-36425; 2013-31751
Issue No.: 1005
Case No.: [REDACTED]
Hearing Date: April 22, 2013
County: Wayne (43)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 April 22, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] and [REDACTED].

It is noted that on the record, registration number 2013-36425 was called for hearing. After the hearing, this Administrative Law Judge was given registration number 2013-31751, which was also set for hearing at the same time and place. In reviewing the both registration number files, it is concluded that all issues for both files were covered during the hearing. Therefore, this hearing decision addresses both registration number files listed above.

ISSUES

1.) Was Claimant's request for hearing timely?

2.) Due to a failure to return redetermination documents, did the Department properly
 deny Claimant's application close Claimant's case reduce Claimant's benefits
for:

Family Independence Program (FIP)?
 Food Assistance Program (FAP)?
 Medical Assistance (MA)?

State Disability Assistance (SDA)?
 Child Development and Care (CDC)?

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 applied for was receiving: FIP FAP MA SDA CDC.
2. On August 14, 2012, the Department issued redetermination documents to Claimant, but listed Claimant's incorrect address.
3. On September 17, 2012, the Department issued a Notice of Case Action addressed to Claimant, but with an incorrect address for Claimant, informing Claimant that his cash assistance case would close due to his failure to return redetermination forms.
4. Claimant requested a hearing on February 21, 2013 (Registration number 2 [REDACTED] 31751) and March 11, 2013 (Registration number [REDACTED] 6425).

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 1997 AACRS R 400.3101-3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

A request for hearing must be in writing and signed by the claimant, petitioner, or authorized representative. Rule 400.904(1). Moreover, the Bridges Administrative Manual (BAM) 600, p. 4, provides in relevant part as follows:

The client or authorized hearing representative has 90 calendar days from the date of the written notice of case action to request a hearing. The request must be received anywhere in DHS within the 90 days. [Emphasis added.]

In the present case, the Department issued a Notice of Case Action, dated September 17, 2012, informing Claimant that his cash assistance case would close, effective October 1, 2012 due to Claimant failing to return redetermination documents. Claimant requested a hearing on February 21, 2013 (Registration number 2013-31751) and March 11, 2013 (Registration number 2013-36425). Claimant testified credibly that he did not receive the written Notice of Case Action dated September 17, 2012. The Notice of Case Action contained an incorrect address for Claimant. Claimant testified

credibly that he attempted to notify the Department of his correct address prior to September 17, 2012. Therefore, Claimant's hearing request is found to be timely.

In addition, the Department issued to Claimant redetermination documents with Claimant's incorrect address on August 14, 2012. Claimant testified credibly that he did not receive the redetermination documents. Claimant further testified credibly that he had attempted to notify the Department of his correct address prior to August 14, 2012. I find that Claimant cooperated with the Department to the best of his knowledge, as required by BAM 105 and BAM 130. Therefore, the Department was not correct in closing Claimant's FIP case due to failure to return redetermination documents.

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 improperly

closed Claimant's case.

denied Claimant's application.

reduced Claimant's benefits.

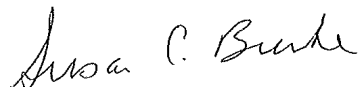
DECISION AND ORDER

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 properly.

Accordingly, the Department's decision is AFFIRMED REVERSED for the reasons stated on the record.

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 October 1, 2012, if Claimant is found to be otherwise eligible for FIP.
2. Issue FIP supplements, in accordance with Department policy.



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

Date Signed: April 24, 2013

Date Mailed: April 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.

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: 