

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

IN THE MATTER OF:

████████████████████
██
████████████████████

Reg. No.: 2013-44018
Issue Nos.: 1038, 3008
Case No.: 1 ██████████
Hearing Date: May 28, 2013
County: Oakland (02)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

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 May 28, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included Dianne Dubin, Family Independence Manager, and ██████████, Partnership.Accountability.Training.Hope (PATH) Case Manager.

ISSUE

Due to excess income, did the Department properly deny the Claimant's application
X close Claimant's case X reduce Claimant's benefits for:

- | | |
|---|---|
| X Family Independence Program (FIP)? | <input type="checkbox"/> Adult Medical Assistance (AMP)? |
| X Food Assistance Program (FAP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input type="checkbox"/> Medical Assistance (MA)? | <input type="checkbox"/> Child Development and Care (CDC)? |

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 applied for benefits for: X received benefits for:

- | | |
|---|---|
| X Family Independence Program (FIP). | <input type="checkbox"/> Adult Medical Assistance (AMP). |
| X Food Assistance Program (FAP). | <input type="checkbox"/> State Disability Assistance (SDA). |
| <input type="checkbox"/> Medical Assistance (MA). | <input type="checkbox"/> Child Development and Care (CDC). |

2. On April 1, 2013, the Department denied Claimant's application
X closed Claimant's FIP case X reduced Claimant's FAP benefits
due to a determination that she failed to complete the Work First requirements of the
FIP and FAP programs.
3. On March 6, 2013, the Department sent
X Claimant Claimant's Authorized Representative (AR)
notice of the denial. X closure. X reduction.
4. On May 7, 2013, Claimant or Claimant's AHR filed a hearing request, protesting the
 denial of the application. X closure of the case. X reduction of benefits.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

X 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.

X The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1999 AC, Rule 400.3001 through Rule 400.3015.

Additionally, Bridges Eligibility Manual (BEM) 233A, "Failure to Meet Employment and/or Self-Sufficiency-Related Requirements: FIP," and BEM 233B, "Failure to Meet Employment Requirements: FAP," require customers to participate in job search and work activity as a condition of receiving benefits. Department of Human Services Bridges Eligibility Manual (BEM) 233A (2013), 233B (2012). At the hearing the Department established that Claimant failed to participate in the program for the three weeks beginning February 24, 2013, March 3, 2013 and March 10, 2013. Dept. Exh. 1, p. 4. The Department also proved that Claimant was notified to attend a triage conference at which she could present good cause reasons to explain her failure to attend, but Claimant failed to attend the triage conference.

At the hearing Claimant presented incomplete evidence as to her participation in the employability program. She presented some paystubs, but she failed to supply the required amount of information necessary to show she met the requirements of the program. This lack of documentation, combined with the fact that she did not call in

advance of the triage to explain that she was working, and that she failed to attend the triage conference, amount to a Claimant failure to meet program requirements. It is found and determined that the Department acted correctly in terminating Claimant's FIP and reducing Claimant's FAP benefits in this case.

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, due to excess income, the Department properly improperly

- denied Claimant's application
- reduced Claimant's benefits
- closed Claimant's case

for: AMP FIP FAP MA SDA CDC.

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 AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record.



Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 3, 2013

Date Mailed: June 3, 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 affect the substantial rights of the claimant:
 - 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

JL/tm

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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