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

IN THE MATTER OF:

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

Reg. No.: 2013-45610
Issue No.: 1080
Case No.: ████████████
Hearing Date: June 3, 2013
County: Wayne (49)

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 June 3, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included ████████ ███, Family Independence Specialist and ████████████, Family Independence Manager.

ISSUE

Did the Department properly ☐ deny Claimant's application ☒ close Claimant's case for:

☒ Family Independence Program (FIP)?   ☐ Adult Medical Assistance (AMP)?
☐ Food Assistance Program (FAP)?   ☐ State Disability Assistance (SDA)?
☐ Medical Assistance (MA)?   ☐ 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 ☒ received benefits for:

     ☒ Family Independence Program (FIP).   ☐ Adult Medical Assistance (AMP).
     ☐ Food Assistance Program (FAP).   ☐ State Disability Assistance (SDA).
     ☐ Medical Assistance (MA).   ☐ Child Development and Care (CDC).

2. On June 1, 2013, the Department
   ☐ denied Claimant's application   ☒ closed Claimant's case
   due to a determination that she reached the lifetime benefit limit of sixty (60) months benefits.

3. On April 30, 2013, the Department sent
   ☒ Claimant   ☐ Claimant's Authorized Representative (AR)
   notice of the   ☐ denial.   ☒ closure.

4. On May 6, 2013, Claimant filed a hearing request, protesting the
   ☐ denial of the application.   ☒ closure of the case.

CONCLUSIONS OF LAW

Department 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 1999 AC, Rule 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.
Additionally, Bridges Eligibility Manual (BEM) 234, "FIP Time Limits," sets forth a sixty-month limit on receipt of FIP benefits. Department of Human Services Bridges Eligibility Manual (BEM) 234 (2013).

The Claimant disputed that she received benefits from 1996-2003. However, Claimant's testimony was that she "was not aware" that she received FIP benefits during that time. The Department for its part produced benefit summary records detailing the dollar amounts of the FIP benefits Claimant received in 2002 and 2003. Dept. Exh. 2.

Weighing these items of evidence, and considereing all of the evidence in this case as a whole, it is found and determined that the Department's records are reliable and trustworthy in comparison to the Claimant's statement that she cannot say one way or the other whether she received benefits at that time. Accordingly, the factfinder gives more weight to the Department's records than to the Claimant's testimony on the question of whether benefits were received. It is found and determined that the Departmtent acted correctly in this case, as shown by the records, and the Department's action shall be affirmed.

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 denied Claimant's application   ☐ improperly denied Claimant's application
☒ properly closed Claimant's case   ☐ improperly 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 6, 2013

Date Mailed: June 6, 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.

2013-45610/JL

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: ██████
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