

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

IN THE MATTER OF:

██████████
██
██████████

Reg. No.: 2013-46437
Issue No.: 1021; 2018; 3019
Case No.: ██████████
Hearing Date: June 6, 2013
County: Oakland (02)

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 June 6, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, FIM.

ISSUES

Did the Department reverse itself with regard to its Notice of Case Action of April 14, 2013?

Did the Department properly issue a new Notice of Case Action with regard to noncooperation with Child Support?

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 was receiving benefits under the Family Independence Program, Medical Assistance and the Food Assistance Program.
2. On April 24, 2013, the Department issued a Notice of Case Action, stating that the Department would close Claimant's case due to non-participation in employment-related activities.

3. On May 6, 2013, Claimant requested a hearing regarding the Department's decision to close her case.
4. The Department reversed its decision to close Claimant's case, having found good cause for non-participation in employment-related activities.
5. In attempting to reopen Claimant's case due to the good cause found, the Department discovered that a sanction for non-cooperation with child support had been placed on Claimant's case and the Department could not reopen Claimant's case.
6. The Department did not issue a new Notice of Case Action with regard to child support noncooperation.

CONCLUSIONS OF LAW

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

In this case, on April 14, 2013, the Department issued a Notice of Case Action stating that it would close Claimant's case due to non-participation in employment-related activities. However, the Department reversed its decision and found good cause for non-participation in employment-related activities. In attempting to reopen Claimant's case, the Department discovered that a sanction for non-cooperation with child support had been placed on Claimant's case. However, the Department did not issue a Notice of Case Action with regard to child support noncooperation. Per BAM 220, the Department should have issued a Notice of Case Action specifying:

- The action(s) being taken by the department.
- The reason(s) for the action.
- The specific manual item which cites the legal base for an action or the regulation or law itself.
- An explanation of the right to request a hearing.
- The conditions under which benefits are continued if a hearing is requested.

Based on the above discussion, the Department did not properly issue a new Notice of Case Action.

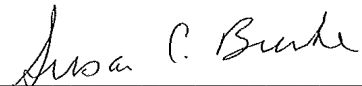
DECISION AND ORDER

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 REVERSED for the reasons stated on the record.

THE DEPARTMENT SHALL BEGIN TO INITIATE THE FOLLOWING STEPS WITHIN TEN DAYS OF THE MAILING OF THIS ORDER:

1. Remove the Department's sanction on Claimant's case regarding non-participation in employment-related activities.
2. Initiate reinstatement of Claimant's case, effective the date of closure for non-participation in employment-related activities.
3. Initiate issuance to Claimant a Notice of Case Action regarding noncooperation with child support.



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

Date Signed: June 10, 2013

Date Mailed: June 11, 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

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