

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-37680
Issue No.: 1080
Case No.: [REDACTED]
Hearing Date: [REDACTED]
County: Kalamazoo

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 [REDACTED] from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED].

ISSUE

Whether the Department of Human Services (Department) properly closed Claimant's Family Independence Program (FIP) benefits?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. The Claimant was an ongoing Family Independence Program (FIP) recipient until [REDACTED].
2. On [REDACTED], the Medical Review Team (MRT) determined that the Claimant is not disabled and is a work eligible individual.
3. On [REDACTED], the Department notified the Claimant that her Family Independence Program (FIP) benefits case would be closed because she has exceeded the lifetime limit for the receipt of federally funded Family Independence Program (FIP) benefits.
4. The Department received the Claimant's request for a hearing on [REDACTED], protesting the closure of her Family Independence Program (FIP) benefits.

CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, et seq. The Department of Human Services (DHS or Department) administers the FIP program pursuant to MCL 400.10, et seq., and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The Department will provide an administrative hearing to review the decision and determine the appropriateness. The State Office of Administrative Hearings and Rules (“SOAHR”) may grant a hearing for any of the following:

- Denial of an application and/or supplemental payments
- Reduction in the amount of program benefits or service
- Suspension or termination of program benefits or service
- Restrictions under which benefits or services are provided
- Delay of any action beyond the standard of promptness
- For FAP only, the current level of benefits or denial of expedited service. Department of Human Services Bridges Assistance Manual (BAM) 600 (February 1, 2013), p 3.

In this case, the Claimant was an ongoing Family Independence Program (FIP) recipient and the Department had referred her to the Partnership Accountability Training Hope (PATH) as a condition of receiving benefits. The Claimant requested a deferral from PATH. On March 19, 2013, the Medical Review Team (MRT) determined that the Claimant is not disabled but is a work eligible individual.

The determination of the Medical Review Team (MRT) that the Claimant is a work eligible individual and the Department’s resulting referral to the PATH program is not within the jurisdiction of Michigan Administrative Hearing System (MAHS) to hear or issue a decision upon as defined in BAM 600.

However, the Claimant does have a right to a hearing to protest the closure of her Family Independence Program (FIP) benefits.

On [REDACTED], the Department notified the Claimant that her Family Independence Program (FIP) benefits would close on [REDACTED], for exceeding the lifetime limit of federally funded Family Independence Program (FIP) benefits.

The Department has the burden of presenting evidence to establish that it properly applied its policies to the Claimant's circumstances. The Department failed to present evidence or testimony supporting the closure of Family Independence Program (FIP) benefits due to the Claimant exceeding the limit on benefits received. Therefore, the Department has failed to establish that the [REDACTED], closure of Family Independence Program (FIP) benefits was correct and the Department's eligibility determination is reversed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department failed to establish that it properly closed the Claimant's Family Independence Program (FIP) benefits for exceeding the lifetime limit on federally funded Family Independence Program (FIP) benefits.

The Department's Family Independence Program (FIP) eligibility determination is hereby **REVERSED**.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate a determination of the Claimant's eligibility for Family Independence Program (FIP) benefits as of [REDACTED].
2. Provide the Claimant with a listing of the months that she has received federally funded Family Independence Program (FIP) benefits.
3. Provide the Claimant with a Notice of Case Action (DHS-1605) describing the Department's revised eligibility determination.
4. Issue the Claimant any retroactive benefits that the Claimant may be eligible to receive, if any.

/s/
Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 05/07/2013

Date Mailed: 05/07/2013

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

KS/kl

cc:

