

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

IN THE MATTER OF:

[REDACTED]

Reg No: 20135339

Issue No: 1015

Case No: [REDACTED]

Hearing Date: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, an in-person hearing was held on [REDACTED]. Claimant appeared and testified. Claimant's Attorney, [REDACTED], also appeared. The Department was represented by [REDACTED].

ISSUE

Did the Department determine Claimant's FIP benefits correctly?

FINDINGS OF FACT

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

1. Claimant was an ongoing recipient of FIP benefits.
2. Notice of noncompliance was sent to Claimant on [REDACTED], with notice of an [REDACTED], triage meeting.
3. Claimant requested a hearing on [REDACTED], contesting the closure of FIP benefits.
4. The triage meeting took place on [REDACTED], and Claimant was found to have good cause.
5. Claimant's FIP benefits were reinstated and remained active as of the date of hearing.

6. Claimant raised issues at hearing with regard to a stop in employment income that should have resulted in an increase of his FIP benefits.
7. Claimant testified that his employment stopped in [REDACTED] and that he verbally reported it to the Department.

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 Dependant Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference manual (PRM).

Deadlines for Requesting a Hearing

All Programs

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. BAM 600.

In the present case, Claimant's FIP benefits were active and the Department made no assertions that there was any basis to close Claimant's case. Claimant raised issues with regard to his reduction of employment income in April, 2012 and questioned why his FIP benefits did not increase. It was explained at hearing that this Administrative Law Judge only has the authority to review Department actions that occurred within 90 days of the request for hearing. BAM 600. Claimant requested his hearing on [REDACTED]. Claimant presented no proof that he submitted employment income changes between [REDACTED], and the [REDACTED]. Claimant failed to present adequate evidence that the Department took any action or failed to act during the period in question.

At hearing, the Department correctly pointed out that Claimant has an affirmative duty to report employment income changes in writing and that had he done so the Department would have be required to take appropriate action.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was correct in the determination of Claimant's FIP

benefits and it is ORDERED that the Department's decision in this regard be and is hereby **AFFIRMED**.



Aaron McClintic
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 02/01/2013

Date Mailed: 02/01/2013

NOTICE: Administrative Hearings 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. Administrative Hearings 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.

20135339/AM

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

AM/kl

cc:

