

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

**IN THE MATTER OF:**



Reg. No.: 20136148  
Issue No.: 1038  
Case No.: [REDACTED]  
Hearing Date: January 8, 2013  
County: Wayne County DHS # 57

**ADMINISTRATIVE LAW JUDGE:** Gary F. Heisler

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on January 8, 2013. Claimant appeared and testified.

**ISSUE**

Did the Department of Human Services properly close Claimant Family Independence Program (FIP) case for failure to participate in employment and/or self-sufficiency related activities?

**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 Family Independence Program (FIP) benefits. Claimant's benefit group included Mr. David Smith.
- (2) On September 6, 2012, a Work First/Jobs Education and Training Appointment Notice (DHS-4785 form) was sent to Mr. [REDACTED]
- (3) On October 1, 2012, Claimant was sent a Notice of Non-Compliance (DHS-2444). The notice scheduled a hearing for October 9, 2012.
- (4) On October 9, 2012, Claimant submitted a request for hearing.

**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) and the Program Reference Manual (PRM).

The Department was represented at this hearing by a FIM who did not have any personal knowledge of the events at issue in the hearing. The evidence submitted by the Department included only the Hearing Summary (DHS-3050), the Work First/Jobs Education and Training Appointment Notice (DHS-4785 form), and the Notice of Non-Compliance (DHS-2444). The Department did not meet its burden of presenting competent, material, and substantial evidence in support of the intended action. Even if a representative with personal knowledge is not available for the hearing there are admissible documents contained in the Department's records which can be submitted to meet their burden of going forward with sufficient evidence to support their intended action.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the issue in this hearing cannot be resolved because the Department of Human Services did not submit sufficient evidence to support the action.

It is ORDERED that the actions of the Department of Human Services, in this matter, are **REVERSED**.

It is further ORDERED that Claimant's Family Independence Program (FIP) benefits be reinstated and her case continues to be processed in accordance with Department policy.

/s/ \_\_\_\_\_  
Gary F. Heisler  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: January 14, 2013

Date Mailed: January 14, 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 mailing 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.

GFH/hj

cc:

