

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-8906
Issue No.: 3055
Case No.: [REDACTED]
Hearing Date: December 5, 2012
County: Washtenaw

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

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, an in-person hearing was held on December 5, 2012, at the DHS office in Ypsilanti, Michigan. Participants on behalf of Claimant included [REDACTED] and Attorney [REDACTED]. Participants on behalf of Department of Human Services (Department) included Jet Program Coordinator [REDACTED], Jet Program Manager [REDACTED], Family Independence Manager [REDACTED], Case Manager [REDACTED], and Jet Team Leader [REDACTED].

ISSUE

Did the Department properly close Claimant's case for the Family Independence Program (FIP)?

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 received benefits for the Family Independence Program (FIP).
2. On August 13, 2012, the Department sent Claimant Notice that her FIP program would be closing effective 9/1/12. The Department also enclosed a Notice of Noncompliance directing Claimant to appear for a Triage on 8/20/12 at 1PM for no participation in required activity.
3. On August 20, 2012, Claimant attended the Triage and met with Jet Program Coordinator [REDACTED] and Jet Program Manager [REDACTED]. At the Triage, Claimant was informed she had failed to turn in logs for the weeks of June 4, June 18 and July 9. Claimant stated she had submitted the logs to her

JET case manager and she would resubmit the logs if necessary. Claimant was given until 8/23/12 to resubmit the logs for a Good Cause determination.

4. On August 22, 2012, Claimant testified that she submitted the logs to DHS at the drop off window.
5. On August 22, 2012, Claimant signed the DHS sign-in log.
6. On September 1, 2012, the Department closed Claimant's case due to failure to participate in employment and/or self-sufficiency-related activities.
7. On October 26, 2012, Claimant filed a hearing request, protesting the 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, R 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

Claimant was initially referred to Triage for failing to turn in school logs from June 4, June 18, and July 9, 2012. During Triage, Claimant stated she had turned them in to her JET case manager. JET had no record of receiving them, and Claimant was given until August 23, 2012 to turn in the school logs to DHS. On August 22, 2012, Claimant signed the log at the DHS drop box and testified she dropped off the documents and addressed them to Alice Seipelt. Ms. Seipelt testified she never received them.

Due to the lack of evidence that Claimant did not in fact drop off the requested documents on August 22, 2012, especially in light of her signature on that date on the DHS drop box log, this Administrative Law Judge finds the Department improperly closed Claimant's case for FIP. There was no testimony contrary to Claimant's that she put the requested school logs in the drop off box, only testimony that they were never received.

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 FIP decision is **REVERSED** for the reasons stated on the record.

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

Reinstate Claimant's FIP case and process according to policy with retroactive benefits back to the date of closure.

It is SO ORDERED.

/s/
Vicki L. Armstrong
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: January 2, 2013

Date Mailed: January 3, 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

2013-8906/VLA

VLA/las

cc:

