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

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	Reg. No.: Issue No.: Case No.: Hearing Date: County:	2013-43856 1005 May 28, 2013 Oakland (63-04)
ADMINISTRATIVE LAW JUDGE: Michael J.	•	,
HEARING D	<u>ECISION</u>	
This matter is before the undersigned Administration and MCL 400.37 following Claimant's requitelephone hearing was held on May 28, 2013 behalf of Claimant included Claimant. Part Human Services (Department) included	lest for a hearing. 3, from Detroit, Michi	After due notice, a gan. Participants on
<u>ISSU</u>	<u> E</u>	
Did the Department properly deny Claima for:	ant's application 🛛 c	lose Claimant's case
☐ Family Independence Program (FIP)?☐ Food Assistance Program (FAP)?☐ Medical Assistance (MA)?		sistance (AMP)? Assistance (SDA)? ent and Care (CDC)?
FINDINGS (OF FACT	
The Administrative Law Judge, based on the evidence on the whole record, finds as material	•	rial, and substantial
Claimant ☐ applied for benefits ☒ receive	ed benefits for:	
☐ Family Independence Program (FIP). ☐ Food Assistance Program (FAP). ☐ Medical Assistance (MA)	State Disability	ssistance (AMP). Assistance (SDA).

 On May 1, 2013, the Department ☐ denied Claimant's application ☐ closed Claimant's case due to failure to comply with work and/or self sufficiency-related activities . 							
 On March 20, 2013, the Department sent ☐ Claimant ☐ Claimant's Authorized Representative (AR) notice of the ☐ denial. ☐ closure. 							
 On April 25, 2013, Claimant filed a hearing request, protesting the ☐ denial of the application. ☐ 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 Persona 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, Rule 400.310′ through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.							
At the hearing, the Department testified that Claimant attended the triage meeting concerning his lack of attendance at the PATH program Work First (WF), and argued that he failed to attend WF activities because the medications he was taking did no allow him to drive.							
Claimant was asked how he got to the triage and he responded that his partner drove him but that she couldn't get up early enough to drive him to WF.							
Claimant may have stated a proper barrier to his attendance at WF, but the Departmen was not given the opportunity to address his transportation barrier. BEM 233A (January 2013).							
Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department							
 □ properly denied Claimant's application □ improperly denied Claimant's application □ improperly closed Claimant's case □ improperly closed Claimant's case 							
for:							

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 \square did not act properly. \square did not act properly.
Accordingly, the Department's \square AMP \boxtimes FIP \square FAP \square MA \square SDA \square CDC decision is \boxtimes AFFIRMED \square REVERSED for the reasons stated on the record.

Michael J. Bennane
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 3, 2013

Date Mailed: July 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 <u>MAY</u> 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 affect the substantial rights of the claimant,
 - 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

2013-43856/MJB

Michigan Administrative Hearings Reconsideration/Rehearing Request P. O. Box 30639 Lansing, Michigan 48909-07322

MJB/pf

