

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2013-62865  
Issue No.: 1038  
Case No.: [REDACTED]  
Hearing Date: October 7, 2013  
County: Wayne (82-19)

**ADMINISTRATIVE LAW JUDGE:** Michael J. Bennane

**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 October 7, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant with [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

**ISSUE**

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

**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 was receiving benefits from the FIP program.
2. On June 11, 2013, the Department sent Claimant a notice that she was noncompliant with PATH/JET work-related activities.
3. On June 11, 2013, the Department sent Claimant a notice of case action (NOCA), informing her that her FIP benefits would close effective July 1, 2013.
4. On June 18, 2013, the Department held a triage meeting with Claimant to determine if she had good cause for not participating in PATH/JET work-related activities. The Department found no good cause.
5. On July 2, 2013, Claimant requested a hearing to protest the closure of her FIP 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 Mich Admin Code, R 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

At the hearing, Claimant testified that she had requested a deferral from PATH/JET but that this request had been denied when the Medical Review Team (MRT) found Claimant able to work with limitations.

Claimant also testified that, at the triage, she presented a letter from her psychiatrist recommending that Claimant not work more than 20 hours a week. This document was not presented to the Department prior to the triage held on June 18, 2013.

In the instant case, Claimant first attempted to be deferred totally from work-related activities and when that was denied by MRT, she failed to take part in JET because she had a letter from her doctor stating that it was recommended that she work no more than 20 hours a week.


This Administrative Law Judge finds that Claimant cannot make this decision on her own, had not informed the Department of the psychiatrist's recommendation, and this recommendation had not been properly forwarded to MRT for a decision. BEM 233A (January 2013).

**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 act properly when it closed Claimant's FIP case effective July 1, 2013..
- did not act properly when .

Accordingly, the Department's  AMP  FIP  FAP  MA  SDA  CDC decision is  AFFIRMED  REVERSED for the reasons stated on the record.

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

Date Signed: October 23, 2013

Date Mailed: October 23, 2013

**NOTICE OF APPEAL:** 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

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

MJB/pf

cc:

