

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

IN THE MATTER OF:

████████████████████
████████████████████
████████████████████

Reg. No.: 2013 60966
Issue No.: 1021
Case No.: ██████████
Hearing Date: November 7, 2013
County: Wayne (19)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on November 7, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ FIS.

ISSUE

Did the Department properly close the Claimant's FIP Cash Assistance for failure to provide verification of earned income?

FINDINGS OF FACT

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

1. The Department issued a Notice of Case Action dated June 29, 2013 which closed her FIP Cash assistance program for failure to verify earned income payment effective August 1, 2013. Exhibit 1
2. At the hearing it was established that the Claimant did respond to a Verification of New Employment issued May 21, 2013 by the Department. The verification was to be returned on May 31, 2013. Exhibit 2
3. Based upon information provided by the Claimant the Department determined that the Claimant was no longer income eligible for FIP Cash assistance, however Claimant's case was closed due to failure to verify.

4. At the time of the hearing the Claimant had an individualized plan for employment with Michigan Rehabilitation Services which was ongoing for the period October 30, 2012 through December 2013. Claimant Exhibit A
5. Through this program the Claimant did obtain some employment in May 2013; however the employment ended sometime in May 2013.
6. The Claimant's Rehabilitation Counselor advised her on November 1 with regard to job fair and other employment resources. Claimant Exhibit B
7. The Claimant had a TC – 60 status as of February 2013 and the Claimant was deferred as of January 9, 2013.
8. The Claimant requested a hearing on July 15, 2013 protesting the closure of her FIP case due to her employment as she was no longer working.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

Additionally, in this case it appears that the Department closed the Claimant's FIP case due to Claimant's failure to timely return verification (New Hire Client Notice) regarding a new job. The New Hire Client Notice was due May 31, 2013 and was not returned until June 10, 2013. Subsequently the Claimant determined she could not perform the job and at the time of the hearing was no longer employed.

Ultimately, after the New Hire Client Notice was received, the Claimant's FIP case would also have closed due to excess income reported at the time she was employed. Even though the June 29, 2013 Notice of Case Action closed the case for failure to verify income because the Claimant returned the Notice of New Hire verification late, a second and valid reason also existed for closure due to the verification noting earnings based on \$14 per hour and 40 hours of work which would have been over the FIP income limit of \$492. Exhibit, BAM 130 and BEM 504. Lastly, although the Department contended at the hearing through a hearing summary prepared July 22, 2013 that the Claimant's 60 Month Federal time limit had been reached, this was not the reason for the closure of Claimant's FIP case. Therefore it is determined that the Department

correctly closed the Claimant's FIP case for failure to complete the New Hire Client Notice and this was an appropriate basis to close the Claimant's case.

Although not addressed or decided by this Decision, evidence was received that indicates that the Claimant is still active until December 2013 with Michigan Rehabilitation Services and that even as of November 1, 2013 she was receiving services from MRS. Claimant Exhibit B. Thus, if Claimant should reapply for FIP benefits, in light of the fact that she was deferred as of January 9, 2013, Claimant may still be deemed eligible under the requirements of BEM 234 if she can demonstrate that in addition to meeting the other applicable FIP eligibility requirements and in addition to being deferred as of January 9, 2013 that she was also

- Exempt from participation in the Partnership Accountability, Training, Hope. (PATH) program for Domestic Violence.
 - Age 65 or older
 - Establishing Incapacity
 - Incapacitated more than 90 days
 - Care of a spouse with disability
 - Care of a child with disabilities.
- BEM 234 pp. 2 (6-1-13).

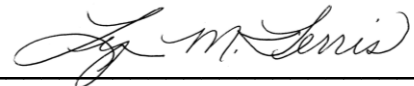
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department

acted in accordance with Department policy when it closed the Claimant's FIP case for failure to verify earned income.

DECISION AND ORDER

Accordingly, the Department's decision is

AFFIRMED.



Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: November 26, 2013

Date Mailed: November 26, 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

LMF/cl

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]