

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2013-64441  
Issue No(s): 2018  
Case No.: [REDACTED]  
Hearing Date: October 31, 2013  
County: Washtenaw

**ADMINISTRATIVE LAW JUDGE:** Vicki L. Armstrong

**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, an in-person hearing was held on October 31, 2013, at the Washtenaw County Department of Human Services (Department) office. Participants on behalf of Claimant included Attorney [REDACTED] of [REDACTED]. Claimant was not present. Participants on behalf of the Department of Human Services (Department) included Assistant Attorney General [REDACTED] and Eligibility Specialist [REDACTED].

**ISSUE**

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

**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 had been receiving FIP at all times pertinent to this hearing.
2. On August 2, 2013, the Department mailed Claimant a Notice of Case Action informing Claimant that her FIP case would be closed beginning September 1, 2013. (Dept. Ex. 7-9).
3. On August 13, 2013, Claimant filed a Hearing Request contesting the Department's negative action.

**CONCLUSIONS OF LAW**

As a preliminary matter, this Administrative Law Judge upheld the closure of Claimant's FIP benefits on the record.

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 MC L 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

An Administrative Law Judge's jurisdiction to examine an issue comes from the Notice of Case Action. (BAM 220, p 2, 7/1/13). During the hearing, the Reason for Intended Action on the Notice of Case Action was reviewed which read:

The intended action results from a change in law and policy that placed a lifetime limit on the receipt of assistance through the Family Independence Program. Your group is not eligible for the Family Independence Program because the [Claimant] has received 60 months or more of benefits, which is the time allowed for eligibility. (Dept. Ex. 8).

However, on further review of the Notice of Case Action, the Comments from Your Specialist about this Notice indicate:

MRT has determined that you do not meet the criteria to be considered disabled. Removing the disability no longer exempts you from federal TANF time limits. Because you have received cash assistance for 86 months, your FIP is closing effective 9/1/2013. (Dept. Ex. 7).

A review of the case file shows that the MRT decision was not submitted with the file. As a result, the Department did not meet its burden of going forward and establishing that the MRT correctly determined that Claimant was no longer disabled.

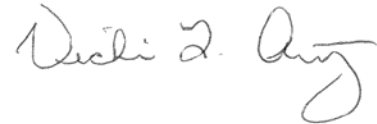
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, finds that the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it closed Claimant's FIP benefits.

### **DECISION AND ORDER**

Accordingly, the Department's decision is **REVERSED**.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Redetermine Claimant's FIP eligibility in accordance with this decision.



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

Date Signed: November 18, 2013

Date Mailed: November 19, 2013

**NOTICE OF APP EAL:** 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.

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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

VLA/las

cc:

