

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

IN THE MATTER OF:



Reg. No.: 2014-4554
Issue No.: 1005, 1015
Case No.: [REDACTED]
Hearing Date: November 12, 2013
County: Wayne (19)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 12, 2013, from Detroit, Michigan. Participants included the above-named Claimant. Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly terminated Claimant's Family Independence Program (FIP) eligibility either due to Claimant's failure to verify information or due to excess 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. Claimant was an ongoing FIP benefit recipient.
2. On an unspecified date, DHS requested proof of school enrollment for one or more of Claimant's children.
3. On an unspecified date, Claimant timely returned the requested school verification to DHS.

4. In [REDACTED]/2013, Claimant stopped receiving unemployment compensation benefit (UCB) income.
5. Claimant's UCB stopped beginning in [REDACTED]/2013.
6. On [REDACTED]/13, DHS initiated termination of Claimant's FIP eligibility due to Claimant's failure to timely verify school enrollment for one or more of his children.
7. On [REDACTED]/13, DHS initiated termination of Claimant's FIP eligibility, effective 10/2013, due to excess income (see Exhibits 1-2).
8. On [REDACTED]/13, Claimant requested a hearing to dispute the FIP benefit termination.

CONCLUSIONS OF LAW

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

Claimant requested a hearing to dispute a FIP benefit termination. DHS provided two different reasons for the FIP termination; the first reason given was Claimant's alleged failure to verify school enrollment for a minor child.

DHS is to verify school enrollment and attendance at application and redetermination beginning with age 7. BEM 245 (7/2013), p. 8. As it happened, the testifying DHS manager conceded that Claimant timely verified school enrollment and that benefit termination should not have been initiated; at least not for that reason.

DHS also attempted to terminate Claimant's FIP eligibility due to excess income. DHS failed to present a budget but receipt of UCB was a clearly defined dispute between DHS and Claimant. DHS testimony implied that Claimant's receipt of UCB was a significant factor in the termination of FIP eligibility.

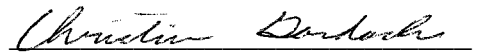
DHS presented Claimant's UCB payment history (Exhibits 4-5) which verified as of [REDACTED]/13, Claimant had a recent history of receiving biweekly UCB of \$334. The UCB history also verified that Claimant's last pay was on [REDACTED]/13 and that only one week remained of UCB payments. Thus, it appeared that Claimant's UCB ended prior to [REDACTED]/2013. During the hearing, DHS rechecked Claimant's UCB history and verified that Claimant received no UCB since [REDACTED]/13. Based on the presented evidence, DHS improperly budgeted UCB income for Claimant in determining Claimant's [REDACTED]/2013 FIP eligibility.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly terminated Claimant's FIP benefit eligibility. It is ordered that DHS perform the following actions:

- (1) reinstate Claimant's FIP benefit eligibility subject to the findings that Claimant had \$0 in UCB income and that Claimant timely verified school enrollment participation; and
- (2) supplement Claimant for any benefits improperly not issued.

The actions taken by DHS are **REVERSED**.


Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 11/22/2013

Date Mailed: 11/22/2013

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

2014-4554/CG

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

CG/hw

cc:

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