

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 2014-5747
Issue No.: 1015
Case No.: ██████████
Hearing Date: November 21, 2013
County: Wayne (76)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 21, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████, Family Independence Specialist.

ISSUE

Did the Department properly process Claimant's Family Independence Program (FIP) benefits from February 2013 to June 2013?

FINDINGS OF FACT

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

1. On June 13, 2013, an Administrative Law Judge (ALJ) ordered the Department via a Settlement Order to send Claimant to the work participation program and issue supplements to her totaling \$492 monthly if she is eligible to receive them from February 1, 2013, ongoing. See Exhibit 1.
2. On June 18, 2013, the Department sent Claimant a Partnership. Accountability. Training. Hope. (PATH) Appointment Notice, which scheduled her for an orientation on June 24, 2013. See Exhibit 1.
3. Claimant attended her PATH appointment and completed her program requirements.

4. On October 7, 2013, Claimant filed a hearing request, protesting her FIP allotment for February 2013 to June 2013. See Exhibit 1.
5. On October 14, 2013, the Department submitted a Remedy Ticket Submission Form, in which it requested to issue supplements to Claimant for her FIP benefits from February 2013 to June 2013. See Exhibit 1.
6. As of today's hearing, Claimant still has not been issued supplements for February 2013 to June 2013.

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.

In this case, on June 13, 2013, an ALJ ordered the Department via a Settlement Order to send Claimant to the work participation program and issue supplements to her totaling \$492 monthly if she is eligible to receive them from February 1, 2013, ongoing. See Exhibit 1. On June 18, 2013, the Department sent Claimant a PATH Appointment Notice, which scheduled her for an orientation on June 24, 2013. See Exhibit 1. Both parties agreed that Claimant attended her PATH appointment and completed her program requirements. The Department also agreed that Claimant is to be issued FIP benefits from February 2013 to June 2013 in the amount of \$492 each month. Thus, on October 14, 2013, the Department submitted a Remedy Ticket Submission Form, in which it requested to issue supplements to Claimant for her FIP benefits from February 2013 to June 2013. See Exhibit 1. As of today's hearing, Claimant still has not been issued supplements for February 2013 to June 2013.

Some hearing decisions require implementation by the local office. BAM 600 (July 2013), p. 38. The Department implements a decision and order within 10 calendar days of the mailing date on the hearing decision. BAM 600, p. 38. When a decision requires a case action different from the one originally proposed, a DHS-1843, Administrative Hearing Order Certification, is sent with the D&O. BAM 600, p. 39. The Department completes the necessary case actions within 10 calendar days of the mailing date noted on the hearing decision. BAM 600, p. 39. The Department completes and sends the DHS-1843 to Michigan Administrative Hearing System (MAHS) to certify implementation and place a copy of the form in the case file. BAM 600, p. 39.

It should be noted that the certification was received on or around June 20, 2013. See Exhibit 1.

Based on the foregoing information and evidence, the Department failed to issue Claimant's FIP benefits for February 2013 to June 2013 in accordance with Department policy. BAM 600, pp. 38-39. On June 13, 2013, the ALJ ordered that if Claimant complied with the PATH program requirements, then it is to issue supplements from February 2013, ongoing. See Exhibit 1. The Department properly complied with the decision and order in regards to sending the Claimant to the PATH orientation; however, it failed to issue her supplements. The Department implements a decision and order within 10 calendar days of the mailing date on the hearing decision. BAM 600, p. 38. The Department agreed Claimant complied with the PATH program and that it is to issue such supplements. The Department failed to complete the decision and order and it will be ordered to issue her FIP benefits in accordance with Department policy and as previously ordered by the ALJ on June 13, 2013.

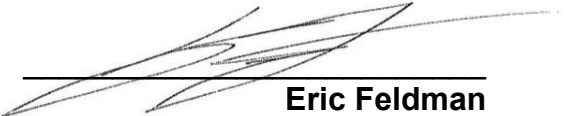
DECISION AND ORDER

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 did not act in accordance with Department policy when it failed to issue Claimant's FIP supplements for February 2013 to June 2013.

Accordingly, the Department's FIP 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. Issue supplements to Claimant for her FIP benefits from February 2013 to June 2013 in the amount of \$492 each month in accordance with Department policy and as indicated in the previous ALJ decision dated June 13, 2013.



Eric Feldman
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

EJF/cl

cc:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]