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

#### IN THE MATTER OF:



Reg. No.: 201411595

Issue No.: 1001

Case No.: Hearing Date:

December 17, 2013

County: Macomb County DHS #20

ADMINISTRATIVE LAW JUDGE: Kevin Scully

#### **HEARING DECISION**

Following Claimant's r equest 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 December 17, 2013, from Lansing, Michigan. Participants on behalf of Claimant included Participants on behalf of the Department of Human Services (Department) included

## ISSUE

Whether the Department of Human Services (Department) properly close the Claimant's Family Independence Program (FIP) benefits?

# FINDINGS OF FACT

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

- 1. The Claim ant was an ongoing Family Independence Program (FIP) recipient until October 1, 2013.
- On Augus t 20, 2013, the Claimant sig ned a Michigan Works! document indicating that she wanted to withdraw from the Family Independence Program (FIP) program.
- On September 12, 2013, the Department notif ied the Claimant that it would close her Family Independence Program (FIP) benefits as of October 1, 2013, at her request.
- The Department received the Claimant's request for a hearing on September 12, 2013, protesting the closure of her Family Independence Program (FIP) benefits.

## **CONCLUSIONS OF LAW**

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and W ork Opportunity Reconc iliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. The Depar tment (formerly known as the Family Independenc e Agency) administers FIP pursuant to MC L 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

The Claimant was an ongoing Family Independence Program (FIP) recipient when she signed a Michigan Works! form on August 20, 2013, indicating that she wanted to withdraw from the FIP program. On September 12, 2013, the Department notified the Claimant that it would close her Family Independence Program (FIP) benefits as of October 1, 2013.

The Claimant argued that it was not her intention to withdraw from the Family Independence Program (FIP). The Claimant testif ied her reading and comprehension abilities are poor and that she did not understand what she had agreed to on August 20, 2013.

The Claim ant testified t hat she had been accused of being noncompliant with the programing being administered by Michigan Works! The Claimant testified that she had completed her assignments and that she had no intention of withdrawing from her Family Independence Program (FIP) benefits, but did so under duress because she had been threatened with the loss of all her benefits.

The Claim ant provided evidence that her educ ational functioning le vel is low and that she is capable of reading s imple material on familiar subjects that contain a familiar vocabulary.

Testimony and other evidence must be we ighed and considered according to its reasonableness. Gardiner v Co urtright, 165 Mich 54, 62; 130 NW 322 (1911); Dep't of Community Health v Risch, 274 Mich App 365, 372; 733 NW2d 403 (2007). Moreover, the weight and credibility of this evidence is generally for the fact-finder to determine. Dep't of Community Health, 274 Mich App at 372; People v Terry, 224 Mich App 447, 452; 569 NW2d 641 (1997). In evaluating the credibility and weight to be given the testimony of a witness, the fact-finder may consider the demeanor of the witness, the reasonableness of the witness 's testimony, and the interest, if any, the witness may have in the outcome of the matter. People v Wade, 303 Mich 303 (1942), cert den, 318 US 783 (1943).

Based on the evidence and test imony available during the hear ing, this Administrative Law Judge finds that the Cl aimant failed to establish that she unknowingly withdrew from the Family Independence Program (FIP) program. Furthermore, the Claimant acknowledged that the Michigan Works! requirements were explained to her.

Therefore, the Department has established that it properly closed the Claimant's Family Independence Program (FIP) benefits at her request.

## **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 acted in accordance with Department policy when it closed the Claimant's Family Independence Program (FIP) benefits.

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

Kevin

Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: December 23, 2013

Date Mailed: <u>December 26, 2013</u>

**NOTICE OF APP EAL:** The claimant may appeal the Dec ision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, i f a timely Request for Rehearing or Reconsiderati on was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

Michigan Administrative Hearing Syst em (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order. MAHS will not order a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 disc overed evidence that existed at the time of the or iginal 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 clai mant 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

# KS/hj

cc: