

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

IN THE MATTER OF:

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

Reg. No.: 2013 41635
Issue No.: 1005
Case No.: ██████████
Hearing Date: May 13, 2013
County: Wayne County DHS(93/98)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a three way telephone hearing was held on May 13, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ FIS Success Coach.

ISSUE

Did the Department properly closed the Claimant's FIP case for failure to verify address?

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 closed the FIP cash assistance case on 4/1/13 for failure to verify her address.
2. The Claimant did move to another address on 2/1/13 and called her caseworker on 1/26/13 and 1/28/13 to advise the Department of the move, give the new address and request a change of address form.
3. On 4/15/13 the Department sent a notice of case action advising the client that her FIP case was closed.
4. The Claimant also filed a change of address at the U.S. Post Office.

5. The Claimant also called her caseworker on 2/12/13 and 2/16/13 to advise her of the new address and request assistance.
6. On 4/10/13 the Claimant filed a request for hearing protesting the closure of her FIP case due to failure to verify address. At the hearing the Claimant confirmed that her hearing request regarding Food Assistance was resolved in April 2013 and that she no longer required a hearing regarding Food Assistance.

CONCLUSIONS OF LAW

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

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

Additionally, based upon the Claimant's credible testimony that she advised her then caseworker numerous times about needing a change of address form prior to the move on 2/1/13, advising her caseworker prior to the move that she was moving and giving her caseworker her address, and then finally after the move advising her caseworker of the new address on several occasions by phone message, it is determined that the Claimant properly reported the change to the Department in a timely manner, and therefore under the facts and circumstances presented, it is determined that the Department incorrectly closed the Claimant's FIP case. The Claimant's credible testimony was unrebutted by the Department.

Department Policy does place responsibility on Claimants to report changes of address:

Other changes must be reported within 10 days after the client is aware of them. These include, but are **not** limited to, changes in:

Persons in the home.

Marital status.

Address and shelter cost changes that result from the move.

Vehicles.

Assets.

Child support expenses paid.

Health or hospital coverage and premiums. BAM 105, pp3, 4 (3/1/13)

It is determined based upon the above provisions, that the Claimant met her responsibilities for reporting her change of address.

Additionally, the Department was required to respond to the Claimant's request for change of address form and did not provide one and the Claimant was entitled to report the change in her address orally:

Changes may be reported in person, by mail or by telephone. The DHS-2240, Change Report Form, may be used by clients to report changes. However, it is **not** mandatory that changes be reported on the DHS-2240. Changes must be reported timely even if the client does not have a DHS-2240.

You must give or send the client a DHS-2240:

At application (Bridges automatically sends at certification).
At redetermination (Bridges automatically sends at certification).
Whenever you determine the need for the client to have the form.
Upon the client's request.
Whenever a DHS-2240 is returned. BAM 130, Id, pp 8.

Based on the foregoing evidence presented and applicable policy, it is determined that the Department improperly closed the Claimant's FIP case for failure to verify address as the evidence demonstrated that Claimant did fulfill her responsibilities and did report the change to the Department in a timely manner. The Claimant's request for hearing regarding Food Assistance does not require a decision as the matter has been resolved prior to this hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department
 did act properly when .
 did not act properly when it closed the Claimant's FIP case for failure to verify address.

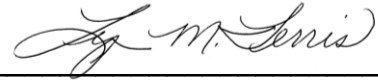
The Claimant's request for hearing regarding her Food Assistance is ordered DISMISSED as the issue regarding Food Assistance was resolved prior to the hearing and no issue remains to be resolved.

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. The Department shall initiate reinstatement the Claimant's FIP case retroactive to the date of closure and register the new address shown in this opinion if the Department has not already done so.

2. The Department shall issue a FIP Supplement to the Claimant for FIP benefits she was otherwise entitled to receive in accordance with Department policy.



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

Date Signed: May 30, 2013

Date Mailed: May 30, 2013

NOTICE: 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)

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 was made, within 30 days of the receipt date of the rehearing decision.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that affect the substantial rights of the claimant:
 - failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

LMF/cl

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