

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201342730
Issue No.: [REDACTED]
Case No.: [REDACTED]
Hearing Date: July 24, 2013
County: Macomb 36

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on July 24, 2013. Claimant and her daughter appeared and testified. The Department was represented by [REDACTED] and [REDACTED].

ISSUE

Did the Department of Human Services properly close Claimant's Family Independence Program (FIP) due to excess income?

FINDINGS OF FACT

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

- (1) Claimant was an ongoing recipient of Family Independence Program (FIP) benefits.
- (2) On January 22, 2013, Claimant submitted an application for Food Assistance Program (FAP) benefits. On the application Claimant indicated that she received [REDACTED] per month.
- (3) On January 28, 2013, the Department updated Claimant's Family Independence Program (FIP) financial eligibility budget to include the reported [REDACTED]. The budget showed that Claimant was not eligible for FIP due to excess income. Claimant was sent a Notice of Case Action (DHS-1605) which stated her FIP would end March 1, 2013.

- (4) On February 5, 2013, the Department received a letter from Claimant's brother regarding the money he had been giving to Claimant.
- (5) On April 11, 2013, Claimant submitted a request for hearing.

CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human Services (DHS or department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Department of Human Services Bridges Administration Manual (BAM) 220 Case Actions (2013) page 10 directs that when a client provides information to meet a requirement that causes a negative action, before the negative action effective date, the negative action should be deleted. In this case the negative action effective date was March 1, 2013. Claimant provided information regarding the income that caused the negative action on February 5, 2013. BAM 220 goes on to direct that the program be reactivated and eligibility rerun and certified.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services DID NOT properly close Claimant's Family Independence Program (FIP) due to excess income.

It is ORDERED that the actions of the Department of Human Services, in this matter, are **REVERSED**.

It is further ORDERED that Claimant's Family Independence Program (FIP) be reactivated and processed in accordance with Department of Human Services Bridges Administration Manual (BAM) 220.

/s/ _____
Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 08/02/2013

Date Mailed: 08/05/2013

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 receipt 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 effect the substantial rights of the claimant:
 - the 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

GFH/sw

cc:

