

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

IN THE MATTER OF:

████████████████████
████████████████████
DETROIT, MI 48207

Reg. No.: 2013-65861
Issue No(s): 1001
Case No.: ██████████
Hearing Date: February 27, 2014
County: Wayne (57)

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 February 27, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant, and Claimant's mother, ██████████. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████, Family Independence Specialist.

ISSUE

Did the Department properly close Claimant's Family Independence Program (FIP) benefits effective July 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. Claimant was an ongoing recipient of FIP benefits. See Exhibit 1.
2. On June 17, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FIP benefits would close effective July 1, 2013, ongoing, due to no group member being an eligible child and failure to comply with the verification requirements. See Exhibit 1.
3. Effective July 2013, the Department closed Claimant's FIP benefits in error.
4. On July 16, 2013, Claimant filed a hearing request, protesting the FIP case closure. See Exhibit 1.

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.

Reinstatement restores a closed program to active status without completion of a new application. BAM 205 (September 2010), p. 1. Closed programs may be reinstated due being closed in error and/or hearing decision ordered reinstatement. See BAM 205, p. 1.

In this case, Claimant was an ongoing recipient of FIP benefits. See Exhibit 1. On June 17, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FIP benefits would close effective July 1, 2013, ongoing, due to no group member being an eligible child and failure to comply with the verification requirements. See Exhibit 1.

At the hearing, the Department testified that it closed Claimant's FIP benefits in error for July 2013. Moreover, the Department presented a benefit summary inquiry, which showed that no FIP benefits were issued for July 2013. See Exhibit 1.

BEM 210 states the FIP group composition policy. See BEM 210 (January 2013), pp. 1-13. Group composition is the determination of which individuals living together are included in the FIP eligibility determination group/program group and the FIP certified group. BEM 210, p. 1. To be eligible for FIP both of the following must be true:

- The group must include a dependent child who lives with a legal parent, stepparent or other qualifying caretaker.
- The group cannot include an adult who has accumulated more than 60 TANF funded months, beginning October 1, 1996 or any other time limits in the Family Independence Program.

BEM 210, p. 1.

For FIP cases, the Department allows the client 10 calendar days (or other time limit specified in policy) to provide the verifications it request. BAM 130 (May 2012), p. 5. The Department sends a negative action notice when: the client indicates refusal to

provide a verification, or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 5.

Based on the foregoing information and evidence, the Department improperly closed Claimant's FIP benefits effective July 1, 2013, ongoing. The FIP denial reason was that no group member is an eligible child and/or failure to verify requested documents. See Exhibit 1. However, the Department testified that it closed Claimant's FIP benefits in error for July 2013. Thus, the Claimant's FIP case is reinstated for July 2013 due to Department's error. See BEM 210, pp. 1-13; BAM 130, p. 5; and BAM 205, pp. 1-2.

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 improperly closed Claimant's FIP benefits effective July 1, 2013, ongoing.

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. Reinstatement Claimant's FIP case as of July 1, 2013, ongoing;
2. Begin recalculating the FIP budget for July 1, 2013, ongoing, in accordance with Department policy;
3. Issue supplements to Claimant for any FIP benefits she was eligible to receive but did not from July 1, 2013, ongoing and
4. Notify Claimant in writing of its FIP decision in accordance with Department policy.



Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 14, 2014

Date Mailed: March 14, 2014

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/tm

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]