

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

IN THE MATTER OF:



Reg. No.: 2013-895
Issue No.: 1018
Case No.: [REDACTED]
Hearing Date: April 22, 2013
County: Wayne (82-17)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 telephone hearing was held on April 22, 2013, from Detroit, Michigan. Claimant appeared and testified. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department act in accordance with Department policy when it closed Claimant's Family Independence Program (FIP) case?

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.
2. On September 20, 2012, the Department received Claimant's request for a hearing disputing the closure of her FIP case.
3. On October 24, 2012, an administrative hearing was held with regard to the closure of Claimant's FIP case effective September 1, 2012. Exhibit 1, pp. 2-5.
4. The October 24, 2012, Hearing Decision ordered the Department to initiate certain actions with respect to Claimant's FIP case.

5. The Department did not comply with the orders of the Administrative Law Judge in the October 24, 2012, Hearing Decision.
6. On an unverified date, Claimant requested a hearing to dispute the Department's failure to implement the October 24, 2012, Hearing Decision.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services 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.

In this case, Claimant requested a hearing on September 20, 2012, to dispute the closure of her FIP case effective September 1, 2012, due to excess income and to address issues with regard to her not receiving FIP benefits for the period of March 1, 2012, to May 30, 2012. An administrative hearing was held on these issues on October 24, 2012, and a decision was made by an Administrative Law Judge (ALJ). Exhibit 1, pp. 2-5. At that hearing, the ALJ was unable to make a determination as to whether the Department acted in accordance with Department policy when it closed Claimant's FIP case effective September 1, 2012, due to excess income because the Department failed to provide the budgets used and the calculations made in determining the income amount. Exhibit 1, p. 4. The Department was ordered to: (1) initiate a redetermination as to Claimant's eligibility for FIP benefits beginning March 30, 2012, and issue retroactive benefits if otherwise eligible and qualified; (2) initiate a redetermination as to Claimant's eligibility for FIP benefits beginning September 1, 2012, and to issue retroactive benefits if otherwise eligible and qualified; and (3) initiate the issuance of retroactive FIP benefits to Claimant covering the period of March 16, 2012, through May 31, 2012. Exhibit 1, p. 4. Claimant contends that the prior Order of the ALJ was not properly followed by the Department and requested a hearing concerning the issue.

It was determined at the hearing held on April 22, 2013, that the Hearing Summary and attached documents provided by the Department were prepared for the hearing held on October 24, 2012, and those issues were already decided. At the April 22, 2013, hearing, the Department testified that it initiated a redetermination for Claimant's eligibility for FIP benefits beginning March 30, 2012, ongoing and on October 29, 2012, the Department issued retroactive FIP benefits to Claimant for the period of March 16, 2012, through May 31, 2012, pursuant to the October 24, 2012, Order. Exhibit 1, p. 8. Because Claimant reapplied for FIP benefits on November 15, 2012, and was approved

effective December 1, 2012, it was determined that the sole issue in this case was the lapse in Claimant's FIP benefits from September 1, 2012, to November 30, 2012.


The Department testified that it redetermined Claimant's eligibility for FIP benefits from September 1, 2012, and determined that she was not eligible due to excess income and closed her FIP case. The Department did not send Claimant a Notice of Case Action informing her of the results of the redetermination and that her case would be closed due to excess income. BAM 220 (October 2012). Just as in the October 24, 2012, hearing, the Department again failed to provide the budgets used or the figures that were relied on in making the determination that Claimant had excess income. Further, no evidence was presented regarding what the total income amount was or how it was calculated. A child support search was provided; however, this is insufficient to make a conclusion as to whether or not the Department properly calculated Claimant's income. Therefore, the Department did not act in accordance with Department policy when it closed Claimant's FIP case due to excess income and did not provide her with notice of the closure.

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 not act in accordance with Department policy when it closed Claimant's FIP case due to excess income. Accordingly, the Department's FIP decision is REVERSED.

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

1. Reinstate Claimant's FIP case effective September 1, 2012;
2. Begin recalculating Claimant's FIP budget for September 1, 2012, to November 30, 2012, in accordance with Department policy and consistent with this Hearing Decision;
3. Begin issuing supplements to Claimant for any FIP benefits that she was eligible to receive but did not from September 1, 2012, to November 30, 2012; and
4. Notify Claimant of its decision in writing in accordance with Department policy.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 14, 2013

Date Mailed: May 14, 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

ZB/pf

cc:

