

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-11786
Issue No(s): 1007
Case No.: [REDACTED]
Hearing Date: January 16, 2014
County: Muskegon

ADMINISTRATIVE LAW JUDGE: Michael S. Newell

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 January 16, 2014, from Lansing, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] FIM and [REDACTED], with Office of Inspector General.

ISSUE

Did the Department properly exclude Claimant's children from the FIP group and terminate FIP benefits for failure to verify?

FINDINGS OF FACT

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

1. On October 5, 2013, the Department closed Claimant's FIP benefits effective November 1, 2013.
2. Claimant alleged on her FIP application that [REDACTED] (DOB [REDACTED], [REDACTED] [REDACTED] (DOB [REDACTED] and [REDACTED] (DOB [REDACTED] resided with Claimant.
3. On September 17, 2013, the Department requested verification that [REDACTED] (DOB [REDACTED] was attending school, due 9/27/13.
4. On September 6, 2013, Claimant signed a notarized statement indicating that her son, [REDACTED] (DOB [REDACTED] was living with relative [REDACTED] because Claimant was homeless (Exhibit 6).
5. Claimant testified that [REDACTED] was living with Claimant at the time she signed the affidavit but that she was homeless.

6. The schools where Claimant's children attended school all provided addresses for the children that differed from the address that Claimant provided the Department.
7. During the relevant period, Claimant alleged that she lived at [REDACTED] in [REDACTED].
8. The OIG Inspector testified that the owner of the property and the resident both denied that Claimant lived there during the relevant period.

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).

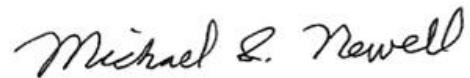
The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MC L 400.10 and 400.57a and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

Additionally, Claimant testified her children lived with her during all times relevant. However, she testified during the hearing that she was homeless, "basically homeless" and at other times that she had a residence where she paid rent during the relevant time frame but was not able to regularly stay where she paid rent because the family member that she stayed with would not let her stay there. Claimant offered evasive and nonresponsive testimony during the hearing and was not credible.

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 terminated Claimant's FIP benefits.

DECISION AND ORDER

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



Michael S. Newell
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 7, 2014

Date Mailed: February 7, 2014

NOTICE OF APP EAL: 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

MSN/las

cc:

