

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

**IN THE MATTER OF:**

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

Reg. No.: 2014-32607  
Issue No.: 1008  
Case No.: ██████████  
Hearing Date: April 17, 2014  
County: Wayne (82-17)

**ADMINISTRATIVE LAW JUDGE:** Michael J. Bennane

**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 April 17, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant, ██████████. Participants on behalf of the Department of Human Services (Department) included ██████████. ██████████ acted as interpreter.

**ISSUE**

Did the Department properly close 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 cash assistance.
2. On October 21, 2013, the Department sent Claimant a notice of noncompliance due to Claimant's failure to participate in work-related activities.
3. On October 21, 2013, the Department sent Claimant a notice of case action informing him that his FIP benefits were to be terminated effective December 1, 2013.

4. On March 17, 2014, Claimant requested a hearing to protest the Department's determination of his FIP benefits.

### **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.

At the hearing, the Department argued that Departmental policy allows claimants 90 calendar days from the date of the written notice of case action to request a hearing. BAM 600 (July 2013).

In the instant case, as the Department pointed out in its hearing summary as well as testimony, Claimant did not request a hearing until 131 days had passed from the time of the Department's negative action notice.

Claimant's attorney and AR argued that the Department's October 21, 2013, notice of case action did not provide such notice in a manner demanded by Departmental policy.

The Department's policy states the following in BAM 220:

Notices are sent to Spanish or Arabic-speaking clients using a Spanish-Arabic form, if available, and if the client has indicated Spanish or Arabic as the household's written language.

A notice must be generated manually in those situations in which Bridges is not able to generate a notice, as identified in this item. BAM 220, p.19.

Claimant's attorney and AR also entered into the record documentation showing that Claimant had requested an Arabic translator for a previous hearing. This evidence shows that the Department was on notice that Claimant needed the Department's notice to be written in Arabic.

The failure of the Department to follow policy in this instance negates the Department's negative notice of case action sent in English.

In effect, there was no notice.

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 .
- did not act in accordance with Department policy when it failed to generate a notice of case action in Arabic, as required by policy.
- failed to satisfy its burden of showing that it acted in accordance with Department policy when it .


**DECISION AND ORDER**

Accordingly, the Department's decision is

- AFFIRMED.
- REVERSED.
- AFFIRMED IN PART with respect to and REVERSED IN PART with respect to .

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. Reinstate Claimant's FIP benefits back to December 1, 2013, supplement Claimant's FIP benefits for benefits missed back to that date, and lift any sanctions imposed on Claimant's FIP case.

  
**Michael J. Bennane**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: April 21, 2014

Date Mailed: April 21, 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

MJB/pf

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