

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

IN THE MATTER OF:

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

Reg. No.: 14-003224
Issue Nos.: 1008, 3007
Case No.: ██████████
Hearing Date: June 25, 2014
County: Wayne (31-Grandmont)

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 June 25, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████

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. On April 25, 2014, the Department sent Claimant a PATH appointment notice for an appointment on May 6, 2014.
2. On May 14, 2014, the Department sent Claimant a notice of noncompliance for failing to attend the PATH appointment on May 6, 2014; and scheduled a triage to be held May 21 2014..
3. On May 14, 2014, the Department sent Claimant a notice of case action informing Claimant that her FIP benefits would be closed June 1, 2014.
4. On May 21, 2014, Claimant requested a hearing to protest the closure of her FIP benefits case.

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, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101 to .3131.

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001 to .3015.

FAP

Although Claimant requested a hearing to protest the closure of her FIP benefits and FAP benefits, this Administrative Law Judge could find no evidence that the Department had taken any negative action concerning Claimant's FAP benefits.

Therefore, the request for the hearing on the closure of Claimant's FAP benefits is DISMISSED.

FIP

At the hearing, Claimant testified that she had provided the Department with further medical documentation concerning her own and her child's medical conditions relating to her inability to participate in PATH.

The Department testified that it did not have further medical documentation as described by Claimant, and that the documentation in its possession had been provided in September 2013, and would not have covered the period of time in question at this hearing.

The Department did testify that it had received documentation of Claimant's need to participate in physical therapy twice a week. It received this documentation on the same day but following the triage. The Department argued that Claimant had not provided documentation of her medical inability to attend PATH. BAM 130 (April 2014).

Neither the Department nor Claimant was able to provide this new medical documentation for review by this Administrative Law Judge.

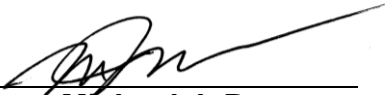
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department

- acted in accordance with Department policy when it closed Claimant's FIP benefits case.
 did not act in accordance with Department policy when it .
 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 .



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

Date Signed: **6/30/2014**

Date Mailed: **6/30/2014**

MJB / pf

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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;

