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

IN THE MATTER OF:



Reg. No.:
14-004057

Issue Nos.:
1002, 3000

Case No.:
Image: County and the second second

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 July 21, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included

<u>ISSUE</u>

Did the Department properly close Claimant's Family Independence Program (FIP) benefits 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 May 21 2014, Claimant applied for FIP benefits.
- 2. On June 13, 2014, the Department sent the Claimant a PATH appointment notice for a June 23, 2014, appointment.
- 3. On June 30, 2014, the Department closed Claimant's FIP benefits due to Claimant's failure to attend the PATH appointment.
- 4. On June 2, 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.

At the hearing, Claimant testified that she had relocated from the second floor of her grandmother's home at to the first floor of the same home at

Claimant also testified that she had attempted numerous times to contact the Department to notify her worker of her change of address.

Unfortunately, Claimant's worker was not able to attend this hearing; therefore, this Administrative Law Judge was unable to question said worker concerning Claimant's attempts to contact her by telephone.

FAP Issue

Documentation provided at the hearing as well as the testimony of both Claimant and the Department all document that Claimant's FAP benefits were not reduced or closed but, in fact, were increased due to the birth of her child. Claimant's request for a hearing on the issue of her FAP benefits is, therefore, DISMISSED.

FIP Issue

Claimant also testified that she had not received any of the PATH appointment notices. Given Claimant's change of address, this Administrative Law Judge finds that Claimant did not receive the PATH appointment notices due to the Department's failure to provide the assistance necessary to allow Claimant to change her address. This Administrative Law Judge finds the Department's failure to respond to Claimant's attempt to notify it of her change of address to be the Department's failure to provide assistance. BEM 130 (April 2014).

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

- k did not act in accordance with Department policy when it failed to assist Claimant in her attempts to notify it of her change of address.
- 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.

 \boxtimes REVERSED.

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

- \boxtimes 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:**
- Reinstate Claimant's FIP benefits retroactively back to July 1, 2014, and 1. supplement for any missed benefits.

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

Date Signed: 7/23/2014

Date Mailed: 7/23/2014

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;
- 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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

CC:	