

**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.: ██████████
Hearing Date: July 21, 2014
County: Wayne (76-Gratiot/7 Mile)

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 ██████████

ISSUE

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 [REDACTED] to the first floor of the same home at [REDACTED].

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 .
- 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 .

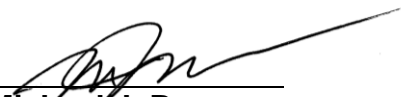
DECISION AND ORDER

Accordingly, the Department's decision is

- AFFIRMED.
- 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 retroactively back to July 1, 2014, and 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

