

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

IN THE MATTER OF:

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██████████████████████████████

Reg. No.: 14-014233
Issue No.: 1008
Case No.: ██████████
Hearing Date: November 19, 2014
County: WAYNE (19)

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 three way hearing was held on November 19, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and ██████████, Interpreter. Participants on behalf of the Department of Human Services (Department) included ██████████, Eligibility Specialist.

ISSUE

Did the Department properly deny Claimant's application for Family Independence Program (FIP) benefits?

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 benefits.
2. Claimant's FIP benefits closed effective September 1, 2014 due to non-compliance with Michigan Works and a three month sanction was imposed.
3. Claimant reapplied for FIP benefits on September 19, 2014.
4. Claimant's application was denied as a result of the sanction that was imposed.
5. On October 13, 2014, Claimant filed a Request for Hearing disputing the Department's actions.

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.

Additionally, the penalty for non-compliance without good cause is FIP EDG closure. Effective October 1, 2011, the following minimum penalties apply:

- For the individual's first occurrence of non-compliance, Bridges closes the FIP EDG for not less than three calendar months.
- For the individual's second occurrence of non-compliance, Bridges closes the FIP EDG for not less than six calendar months.
- For the individual's third occurrence of non-compliance, Bridges closes the FIP EDG for a lifetime sanction. BEM 233A (July 2013), p. 8.

Claimant was an ongoing recipient of FIP benefits. The Department testified that Claimant was found to be in non-compliance with the Michigan Works Program as of August 31, 2014. As a result of the non-compliance, Claimant's FIP benefits closed effective September 1, 2014 and a mandatory three month sanction was imposed. Instead of appealing that decision, Claimant reapplied for benefits on September 19, 2014. On October 3, 2014, the Department sent Claimant a Notice of Case Action notifying him that his application for FIP benefits had been denied.

Claimant's hearing request specifically referenced the denial of his application and not the closure of his FIP benefits. Further, the written portion of Claimant's Request for Hearing only referenced the reason given in the October 3, 2014 Notice of Case Action as being improper. While it is true that the October 3, 2014 Notice of Case Action provided a stated reason for the denial as: "[t]he individual(s) are not a dependent child, a caretaker/relative of a child, not pregnant, not aged or disabled, not a refugee or does not have a qualifying relationship to other household members;" it also provided another reason which read as follows: "Mr. Mohammed your case closed for non-compliance with Michigan Works Agency 08/31/2014. The sanction is for three months and ends 11/30/2014. The case is denied based on sanctions."

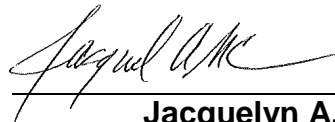
The Department acknowledged that Claimant is the caretaker of a minor child and is disabled. Accordingly, this reason was improper. However, since Claimant failed to appeal the closure of his FIP benefits effective September 1, 2014 and the resulting

sanction, it is found that the Department properly denied Claimant's September 19, 2014 application as the application was submitted during the sanction period. Further, because Claimant's Request for Hearing was specific to the denial only, the undersigned has no jurisdiction to address the closure of Claimant's FIP benefits effective September 1, 2014. Claimant is eligible to reapply for FIP benefits on or after December 1, 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 denied Claimant's September 19, 2014 application for FIP benefits.

DECISION AND ORDER

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



Jacquelyn A. McClinton
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **11/21/2014**

Date Mailed: **11/21/2014**

JAM / cl

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 48909-8139

CC:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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