

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-017035
Issue No.: 1007; 1010
Case No.: [REDACTED]
Hearing Date: February 25, 2015
County: WAYNE-DISTRICT 41

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 February 25, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Hearings Facilitator.

ISSUE

Did the Department properly determine Claimant's Family Independence (FIP) allotment for the month of October, 2014?

Did the Department properly close Claimant's FIP case, effective December 1, 2014 due to Claimant receiving a life-time limit of 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 applied for FIP benefits on [REDACTED].
2. The Department approved Claimant for the period of [REDACTED] through November 30, 2014. (Exhibit D)
3. The Department issued to Claimant \$279.00 in FIP benefits for the month of October of 2014.

4. The Department issued to Claimant \$608.00 in FIP benefits for the month of November of 2014.
5. The Department closed Claimant's FIP case, effective [REDACTED] due to receiving a life-time limit of FIP benefits.
6. Claimant requested a hearing on [REDACTED], protesting the amount of FIP benefits received in October of 2014 and protesting the closure of her FIP case.
7. During the hearing, Claimant acknowledged that she received forty-eight months of FIP benefits as of [REDACTED].

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.

In the present case, the Department representative at the hearing did not know why Claimant received only \$279.00 for the month of October of 2014. No budget was presented showing how the Department arrived at that payment amount. Without such a budget for review, it cannot be concluded that the Department issued a correct amount for Claimant for October of 2014.

In addition, Michigan has a forty-eight month lifetime limit for receiving FIP benefits. BEM 234 (7/2013), p. 4 Claimant did not deny that she received forty-eight non-exempt months of FIP benefits as of [REDACTED]. (See Exhibit E for the countable, non-exempt months.) Therefore, the Department was correct in closing Claimant's FIP case, effective [REDACTED].

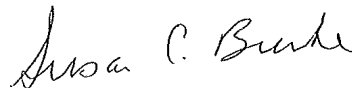
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it closed Claimant's FIP case, effective [REDACTED], and failed to satisfy its burden of showing that it acted in accordance with Department policy when it calculated Claimant's FIP allotment for the month of October 2014.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED IN PART with respect to closing Claimant's FIP case, effective [REDACTED], and REVERSED IN PART with respect to Department's calculation of Claimant's FIP allotment for the month of October, 2014.

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. Re-calculate Claimant's FIP allotment for the month of October 2014.
2. Notify Claimant in writing of the correct FIP allotment.
3. Issue a FIP supplement for any increased payment, in accordance with Department policy.



Susan C. Burke
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **3/6/2015**

Date Mailed: **3/6/2015**

SCB / hw

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:

