

**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.: 2014-5716
Issue No(s): 1003
Case No.: ██████████
Hearing Date: January 8, 2014
County: Wayne (17)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 January 8, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and Claimant's Authorized Hearing Representative ██████████, ██████████. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████ ██████████, Partnership. Accountability. Training. Hope. (PATH) Case Manager.

ISSUES

Did the Department properly close Claimant's Family Independence Program (FIP) benefits effective October 1, 2013, ongoing?

Did the Department fail to add Claimant's son (member add) to the FIP group?

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. On August 13, 2013, the Department sent Claimant a redetermination, which was due back by September 13, 2013. Exhibit 1.
3. On August 13, 2013, the Department also sent Claimant a redetermination telephone interview, which was scheduled on September 13, 2013. See Exhibit 1.

4. The Department did not receive Claimant's completed redetermination.
5. The Department also did not conduct a telephone interview due to not receiving a completed redetermination by September 13, 2013.
6. On September 19, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FIP benefits would close effective October 1, 2013, ongoing, due to her failure to submit a completed redetermination. See Exhibit 1.
7. On October 8, 2013, Claimant filed a hearing request, protesting her FIP closure and failure to process her change report request. See Exhibit 1.

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, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

FIP benefits

Clients must cooperate with the local office in determining initial and ongoing eligibility. BAM 105 (July 2013), p. 6. This includes completion of necessary forms. BAM 105, p. 6.

A complete redetermination is required at least every 12 months. BAM 210 (July 2013), p. 1.

For FIP benefits, the specialist must conduct a telephone interview with the head of household at redetermination before certifying continued eligibility. BAM 210, p. 5. The Department conducts an interview when it obtains a complete redetermination/review packet from the client. BAM 210, p. 12.

A redetermination/review packet is considered complete when all of the sections of the redetermination form including the signature section are completed. BAM 210, p. 10. If the redetermination packet is not logged in by the negative action cut-off date of the redetermination month, the Department generates a DHS-1605, Notice of Case Action, and automatically closes the EDG. BAM 210, p. 10.

In this case, Claimant was an ongoing recipient of FIP benefits. On August 13, 2013, the Department sent Claimant a redetermination, which was due back by September

13, 2013. Exhibit 1. On August 13, 2013, the Department also sent Claimant a redetermination telephone interview, which was scheduled on September 13, 2013. See Exhibit 1. The Department testified that it did not receive Claimant's completed redetermination. The Department testified that it also did not conduct a telephone interview due to not receiving a completed redetermination by September 13, 2013. On September 19, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FIP benefits would close effective October 1, 2013, ongoing, due to her failure to submit a completed redetermination. See Exhibit 1.

At the hearing, Claimant's mother testified that she submitted the redetermination at the local DHS office. Claimant's mother testified that she submitted the redetermination a couple of days before the September 13, 2013 due date. Claimant's mother testified she signed the logbook under her name. Claimant's mother also testified that she submitted another family member's documentation at that same time. Claimant's mother testified that the family member's documentation included a change report that was processed by another DHS caseworker. Claimant's mother testified that if the other family member's documentation was processed that indicates she also submitted her daughter's documentation at the same time. During the hearing, the Department retrieved the logbook for the week of 9/9/13 to 9/13/13 and no submission by Claimant's mother was discovered.

Based on the foregoing information and evidence, the Department properly closed Claimant's FIP benefits effective October 1, 2013, ongoing, in accordance with Department policy. The Department presented credible testimony and evidence that Claimant failed to submit a completed redetermination. This was supported by the fact that no submission in the logbook was discovered when Claimant's mother alleged to have provided such documentation. Claimant must complete the necessary forms to determine her ongoing FIP eligibility. BAM 105, p. 6. Because the Claimant failed to submit her redetermination, the Department properly closed Claimant's FIP benefits effective October 1, 2013, ongoing. BAM 210, p. 10.

FIP change report

Claimant also requested a hearing in which she disputed the Department's failure to process a change report. See Exhibit 1. Claimant's mother testified that she submitted additional documentation on the same day as the redetermination, which requested that the Claimant's son be added to the FIP group. Claimant's mother testified that she submitted her grandson's birth certificate with the redetermination. The Department testified that it did not receive such a change report.

Clients must cooperate with the local office in determining initial and ongoing eligibility. BAM 105 (July 2013), p. 6. This includes completion of necessary forms. BAM 105, p. 6.

Clients must report changes in circumstance that potentially affect eligibility or benefit amount. BAM 105, p. 8. Changes must be reported within 10 days of receiving the first payment reflecting the change. BAM 105, p. 8.

Other changes must be reported within 10 days after the client is aware of them. BAM 105, p. 9. These include, but are not limited to, changes in: persons in the home. BAM 105, p. 9.

Changes in need occur when there are changes in certified group size. BEM 515 (July 2013), p. 3. For changes reported timely, member additions resulting in a grant increase will affect the month after the month the change occurred. BEM 515, p. 3. For changes not reported timely, for member additions resulting in a grant increase, reflect the change in the month after the month the change is reported. BEM 515, p. 4.

Based on the foregoing information and evidence, it is found that the Department properly did not add Claimant's son to the FIP group. Claimant's mother testified that she submitted the member add at the same time of the redetermination. However, as stated in the previous analysis, Claimant failed to submit her redetermination and a review of the logbook did not discover any submission by the Claimant's mother. Because the Department did not receive any request for a member add in September 2013, it properly did not add Claimant's son to the FIP group.

DECISION AND ORDER

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 (i) it properly closed Claimant's FIP benefits effective October 1, 2013, ongoing; and (ii) properly did not add Claimant's son to the FIP group.

Accordingly, the Department's FIP decision is AFFIRMED.



Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: January 16, 2014

Date Mailed: January 16, 2014

NOTICE OF APPEAL: The claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely Request for Rehearing or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request (60 days for FAP cases).

A Request for Rehearing or Reconsideration may be granted 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 Department, AHR or the claimant 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 the hearing decision is mailed.

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

EJF/cl

cc:

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