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

IN THE MATTER OF:

Reg. No.: 14-019396

Issue No.: 1008

Case No.:

Hearing Date: February 11, 2015

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 January 11, 2015, 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. Claimant was an ongoing recipient of FIP benefits.
- 2. On December 15, 2014, the Department sent Claimant a notice of noncompliance for failure to participate in work-related activities.
- 3. On December 15, 2014, the Department sent Claimant a notice of case action informing her that her FIP benefits would be closed effective January 1, 2015.
- 4. On December 23, 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.

At the hearing, Claimant stated that she was homeless. After responding to questions, Claimant has resolved her homelessness by relying on relatives and, therefore, does not meet the Department's definition of "homeless."

Claimant objected to the inclusion of various notices as exhibits for this hearing. The objections were overruled because Claimant had the opportunity to voice her disagreement with any of the items entered as exhibits during this hearing.

Further questioning during the hearing revealed that Claimant's inability to respond to the Department's various requests was closely tied to the fact that Claimant moved from her previous address and was unable to replace that address with another permanent address.

Claimant further testified that she notified the Department on October 21, 2014, that she was no longer at her previous address when she provided the Department with a copy of an eviction notice on that same date.

The Department argued that all documents left at the front desk, as Claimant testified, were scanned and placed in the proper file. The Department provided no evidence that this was the case, except for the Department's testimony. Claimant's testimony that documents relating to her eviction were left with the Department on October 21, 2014, would not be dispositive in any event.

Claimant was under an obligation to attend PATH and be involved in employment-related activities and failed to do so. BEM 233 A (October 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 accord	lance with Department pol	icy when it closed	Claimant's FIP	benefits
effective Januar	ry 1, 2015.			
did not act in ac	cordance with Department	policy when it .		

for Nick Lyon, Interim Director Department of Human Services

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failed to satisfy <b>its</b> burden of showing that it acted in accordance with Department policy when it .
DECISION AND ORDER
Accordingly, the Department's decision is
<ul> <li>▲ AFFIRMED.</li> <li>□ REVERSED.</li> <li>□ AFFIRMED IN PART with respect to</li> <li>and REVERSED IN PART with respect to</li> </ul>
Michael J. Bennane  Administrative Law Judge

Date Signed: 2/25/2015

Date Mailed: 2/25/2015

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 48909-8139

