

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 accordance with Department policy when it closed Claimant's FIP benefits effective January 1, 2015.
- did not act in accordance with Department policy when it .

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



Michael J. Bennane
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

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:

