

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-002844
Issue No.: 1004, 3000
Case No.: [REDACTED]
Hearing Date: April 01, 2015
County: KENT-DISTRICT 1 (FRANKLIN)

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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 April 1, 2015, from Lansing, Michigan. Participants on behalf of Claimant included herself. Spanish interpreter [REDACTED] provided translation services. Participants on behalf of the Department of Human Services (Department) included Eligibility Specialist (ES) [REDACTED] and Family Independence Manager (FIM) [REDACTED]. The Food Assistance Program portion of this hearing request is dismissed because the Department changed its eligibility determination following the hearing request.

ISSUE

Did the Department properly process Claimant's October 30, 2014, Family Independence Program application?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On October 3, 2014, Claimant submitted a Food Assistance Program application.
2. On October 30, 2014, Claimant submitted a Family Independence Program application.
3. On October 31, 2014, the Department issued Claimant a Notice of Case Action (DHS-1605) stating her Food Assistance Program eligibility.
4. On November 10, 2014, Claimant submitted a Change Report (DHS-2240) indicating child support had ended and Claimant was no longer employed at Tapatia Distributors. Claimant was provided with a Verification of Employment (DHS-38) to verify the loss of employment.

5. On November 25, 2014, Claimant received her first earned income from Forge Industrial Staffing.
6. On January 7, 2015, Claimant submitted her pay stubs from Forge Industrial Staffing from November 25, 2014 through January 6, 2015.
7. On February 10, 2015, Claimant submitted a hearing request.
8. On February 12, 2015, Claimant was sent a Notice of Case Action (DHS-1605) which stated her Food Assistance Program benefits increased beginning February 1, 2015.
9. On February 27, 2015, Claimant's October 30, 2014, Family Independence Program application was processed.

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.

During this hearing the Department representatives testified that Claimant was issued the Family Independence Program benefits she was determined to be eligible for but was not sent a Notice of Case Action (DHS-1605) detailing the eligibility determination. Bridges Administration Manual (BAM) 600 Hearings states that clients must receive written notice of all case actions affecting eligibility or amount of benefits. While the Department did process Claimant's October 30, 2014 Family Independence Program application, the requirements of Department policy have not been met.

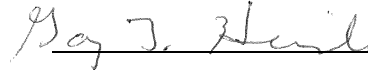
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it processed Claimant's October 30, 2014, Family Independence Program application.

DECISION AND ORDER

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

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. Issue Claimant a current eligibility notice for her October 30, 2014 Family Independence Program application.



Gary Heisler
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **4/8/2015**

Date Mailed: **4/8/2015**

GFH/hj

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:

