

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

**IN THE MATTER OF:**

██████████  
████████████████████  
████████████████████

Reg. No.: 15-007363  
Issue No.: 1001  
Case No.: ██████████  
Hearing Date: June 10, 2015  
County: WAYNE-DISTRICT 76  
(GRATIOT/SEVEN M)

**ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris**

**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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on June 10, 2015, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Health and Human Services (Department) included ██████████, FIS, and ██████████, PATH Coordinator.

**ISSUE**

Did the Department properly close the Claimant's Granddaughter's FIP 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. The Claimant is the Guardian of her granddaughter ██████████, and the Claimant was a recipient of FIP benefits on her granddaughter's behalf.
2. On December 30, 2015 the Department sent a Notice of Case Action which closed the Claimant's granddaughter's case, age 16, and grandson's, age 19, FIP benefits effective February 1, 2015. The reason stated in the notice was the group is not eligible because no group member is an eligible child. Exhibit 1.
3. The Claimant attended a pre-hearing conference on May 1, 2015 and was advised that the Department erroneously closed the Claimant's granddaughter's case. The Claimant conceded that the Claimant's grandson, age 19, was no longer eligible due to his age.

4. The Department conducted a redetermination and obtained all the information requested by the Department to update information.
5. The Claimant requested a hearing on January 12, 2015 which was presented by the Claimant at the hearing with a valid date stamp and the Department conceded that the stamp was valid, and thus it is determined that the hearing request was timely. Claimant Exhibit 1. This hearing request was not in the file but a later hearing request was in the file. The Claimant requested a hearing again because no action was taken on her first request on May 1, 2015 protesting the closure of her granddaughter's FIP case.

### **CONCLUSIONS OF LAW**

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and 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 Department of Human Services) 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-.3131.

In this case, the Department claimed that it had not received a school information form for [REDACTED]. The Department did receive a school information form for Claimant's grandson, who was 19. The Department also conceded that it never sent a request for updated school information for [REDACTED] and believed the case was closed in error based upon the Department's testimony that it erred when it closed [REDACTED] FIP benefits case.

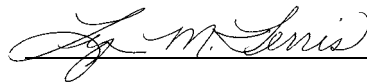
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it closed the Claimant's granddaughter's FIP benefits for failure to verify the school information records, as no request for verification was sent to the Claimant.

### **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. The Department shall reinstate the Claimant's granddaughter's FIP case retroactive to the date of closure, February 1, 2015, and determine ongoing eligibility.
2. The Department shall issue a FIP supplement to the Claimant on behalf of her granddaughter [REDACTED] from February 1, 2015 ongoing, if she is found otherwise eligible for FIP benefits in accordance with Department policy.



**Lynn M. Ferris**  
Administrative Law Judge  
for Nick Lyon, Director  
Department of Health and Human Services

Date Signed: **7/8/2015**

Date Mailed: **7/8/2015**

LMF / cl

**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 copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from 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:

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