

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

IN THE MATTER OF:

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Reg. No.: 15-014187
Issue No.: BVL
Case No.: ██████████
Hearing Date: September 24, 2015
County: SSPC Central

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

Petitioner filed a request for a hearing, under a United States District Court Order issued on January 9, 2015, which allowed the pursuit of potential benefit recovery related to a criminal justice disqualification imposed by the Michigan Department of Health and Human Services (MDHHS). This matter is now before the undersigned administrative law judge pursuant to the United States District Court Order.

After due notice, a three-way telephone hearing was held on September 24, 2015, from Detroit, Michigan. Participants included the above-named Petitioner. Participants on behalf of MDHHS included ██████████, specialist.

ISSUE

Did MDHHS deny, terminate or reduce Petitioner's benefits for the Family Independence Program (FIP), State Disability Assistance Program (SDA), Refugee Assistance Program (RAP), or Child Development and Care (CDC) due to fugitive felon status of Petitioner or a member of Petitioner's group during the timeframe of December 30, 2012, through January 9, 2015?

FINDINGS OF FACT

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

1. Petitioner either applied for or was a group member receiving, FIP, SDA, RAP, or CDC benefits.
2. MDHHS denied an application, terminated, or reduced Petitioner's FIP, SDA, RAP, or CDC benefit eligibility during the timeframe from December 30, 2012 to January 9, 2015 due to a criminal justice disqualification.

3. In *Barry v Corrigan* (aka *Barry v. Lyon*), No. 13-cv-13185, 2015 WL 136238 (ED Mich Jan 9, 2015), and its March 31, 2015 Order Regarding...Implementation of the Court's January 9, 2015 Order, the Court set forth a process by which applicants or beneficiaries of FIP/SDA/RAP/CDC benefits during the timeframe from December 30, 2012 to January 9, 2015 could seek restoration of the benefits through an administrative hearing process. The process also required that MDHHS send notices to applicants and beneficiaries that were denied, terminated, or reduced FIP, SDA, RAP, or CDC benefits. The notices were to include a Barry v. Lyon Request for Hearing Form which must be used to request an administrative hearing.
4. On May 12, 2015, Petitioner timely filed a Barry v. Lyon Hearing Request alleging an unlawful action concerning cash assistance due to a criminal justice disqualification.

CONCLUSIONS OF LAW

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. MDHHS (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. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing to dispute an action concerning cash assistance. Petitioner testimony specifically identified a FIP benefit dispute. Petitioner's hearing request was submitted in accordance with the court order issued in *Barry v. Corrigan*.

In *Barry v Corrigan*, No. 13-cv-13185, 2015 WL 136238 (ED Mich Jan 9, 2015), the court concluded that notices MDHHS sent clients and applicants from December 30, 2012 to January 9, 2015 denying, terminating, or reducing FIP, SDA, RAP, or CDC benefits due to fugitive felon disqualification violated procedural due process under the Fourteenth Amendment to the U.S. Constitution. The Court's March 31, 2015 Order Regarding...Implementation of the Court's January 9, 2015 Order set forth a process for which applicants or beneficiaries of FIP, SDA, RAP, or CDC benefits from December 30, 2012 to January 9, 2015 could seek restoration of the benefits through an administrative hearing process if those benefits were affected due to fugitive felon disqualification. Petitioner sought restoration of benefits through this administrative hearing process. The purpose of the hearing is to determine whether Petitioner's eligibility was affected due to fugitive felon disqualification pursuant to the Court's March 31, 2015 Order Regarding...Implementation of the Court's January 9, 2015 Order.

MDHHS testimony conceded that Petitioner's FIP eligibility was impacted during the period from December 30, 2012 to January 9, 2015. MDHHS' concession was also consistent with a Notice of Case Action (Exhibits 1-7) dated December 31, 2012, which

indicated a decrease of cash assistance benefits, effective February 1, 2013, due to a criminal justice disqualification.

DECISION

The administrative law judge, based on the above Findings of Fact and Conclusions of Law, and for any reasons stated on the record determines that MDHHS denied, terminated, or reduced Petitioner's FIP, SDA, RAP, or CDC eligibility due to fugitive felon status of Petitioner or a member of Petitioner's group during the timeframe of December 30, 2012, through January 9, 2015.



Christian Gardocki
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **9/28/2015**

Date Mailed: **9/29/2015**

CG/tm

NOTICE: The law provides that within 30 days of receipt of the above Decision and Order, the Petitioner may appeal it to the circuit court for the county in which he/she lives or the circuit court in Ingham County. A copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System.

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