

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

**IN THE MATTER OF:**

[REDACTED]

MAHS Reg. No.: 15-014725  
Issue No.: 1008  
Agency Case No.: [REDACTED]  
Hearing Date: September 29, 2015  
County: Eaton

**ADMINISTRATIVE LAW JUDGE: Susanne E. Harris**

**HEARING DECISION**

Following the 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 September 29, 2015, from Lansing, Michigan. Participants on behalf of the Claimant included the Claimant, [REDACTED]. Participants on behalf of the Department of Health and Human Services (Department) included Hearing Coordinator, [REDACTED] and PATH Coordinator, [REDACTED].

**ISSUE**

Did the Department properly take action to close the Claimant's Family Independence Program (FIP) case due to the Claimant's husband's noncompliance with work-related activities?

**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 was an ongoing recipient of FIP benefits.
2. The Claimant's husband was required to comply with employment related activities as a Work Eligible Individual per Bridges Eligibility Manual (BEM) 230 (2015) (A).
3. On July 20, 2015, the Department sent the Claimant a DHS-2444, informing the Claimant that her husband was in noncompliance by July 10, 2015, for not participating in required activity.
4. On July 20, 2015, the Department sent the Claimant a DHS-1605, Notice of Case Action, informing the Claimant that her FIP case would close effective August 1, 2015.
5. On July 31, 2015 the Claimant reported that her husband had moved out of the home.

6. On August 3, 2015, the Department received the Claimant's written a hearing request protesting the closure of her 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.

Bridges Eligibility Manual (BEM) 233A (2013), pp. 10, 11, provides that the DHS-2444, Notice of Non-compliance, state the date/dates of the Claimant's non-compliance and the reason why the Claimant was determined to be non-compliant. In this case, the DHS-2444, Notice of Non-compliance, sent July 20, 2015, gave notice that the Claimant's husband was non-compliant because of "no participation in required activity." That notice scheduled a triage meeting for July 30, 2015. At the triage meeting, the Department found no good cause for the Claimant's husband's non-compliance. The Claimant testified that she felt her children should not be punished because her husband had left the home. However, during the hearing, it was conceded that the Claimant's husband did not leave the home before his non-compliance had occurred.

Bridges Eligibility Manual (BEM) 233A (2013) p. 8, provides that the penalty for non-compliance without good cause is FIP case closure. The Administrative Law Judge, therefore, concludes that when the Department took action to close the Claimant's FIP case, the Department was acting in accordance with its policy.

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 took action to close the Claimant's FIP case.

**DECISION AND ORDER**

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



---

**Susanne E. Harris**  
Administrative Law Judge  
for Nick Lyon, Director  
Department of Health and Human Services

Date Mailed: **9/30/2015**

SEH/jaf

**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:

