

**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.: 15-014166
Issue No.: BVL
Agency Case No.: [REDACTED]
Hearing Date: December 03, 2015
County: DHHS Special Processing Office

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

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 Michigan Department of Health and Human Services (Department) criminal justice disqualification. This matter is now before the undersigned Administrative Law Judge pursuant to the United States District Court Order.

After due notice, a 3-way telephone hearing was held on December 3, 2015 in Lansing, Michigan. Petitioner appeared on his own behalf. [REDACTED] (Eligibility Specialist) appeared on behalf of the Department.

ISSUE

Did the Department 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 received, or was a member of a group that received FIP benefits.
2. The Department did not deny, terminate, or reduce FIP benefits during the timeframe from December 30, 2012, to January 9, 2015.
3. In *Barry v Corrigan*, 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 the Department 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 August 4, 2015, Petitioner filed a *Barry v. Lyon* Request for Hearing Form, before the deadline date identified on the form, seeking restoration of benefits due to the Department denying, terminating, or reducing FIP benefits during the timeframe from December 30, 2012, to January 9, 2015.
5. The Department did not deny, terminate, or reduce FIP, SDA, RAP or CDC benefits during the timeframe from December 30, 2012, to January 9, 2015, due to fugitive felon status.

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 *Barry v Corrigan*, No. 13-cv-13185, 2015 WL 136238 (ED Mich Jan 9, 2015), the Court concluded that notices the Department 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. This Administrative Law Judge is obligated to determine whether Petitioner's benefits were 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.

At hearing, the Department representative testified and/or provided documentary evidence that it did not deny, terminate, or reduce FIP benefits due to fugitive felon disqualification during the relevant time period. This testimony shows that the Department also indicated that Petitioner's FIP benefits were denied, terminated or reduced because he failed to return verifications. Additionally, Petitioner testified that he was not concerned with cash or child care benefits. Rather, Petitioner indicated the only program he was concerned with was Food Assistance Program (FAP) benefits. As confirmed with the Department representative during the hearing proceedings, the Department is addressing the fugitive felon disqualification issues related to FAP separately. This ALJ has no jurisdiction to address FAP as part of this administrative hearing.

DECISION

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, determines that the Department did not deny, terminate or reduce Petitioner's benefits in one or more of the following programs: 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.



C. Adam Purnell

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

Date Mailed: 12/4/2015

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NOTICE: The law provides that within 30 days of receipt of the above Decision and Order, the Claimant 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.

cc:

