

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 15-009574
Issue No.: 1001
Case No.: ██████████
Hearing Date: July 16, 2015
County: Wayne-District 57 (Conner)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 July 16, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Health and Human Services (Department) included ██████████, Eligibility Specialist and ██████████, Family Independence Manager.

ISSUE

Did the Department properly process Claimant's Family Independence Program (FIP) benefits?

FINDINGS OF FACT

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

1. Claimant was an ongoing recipient of FIP benefits.
2. On April 29, 2015, the Department sent Claimant a Notice of Case Action informing her that effective June 1, 2015, her FIP case would be closed on the basis that her group has reached the 48 month lifetime time limit for the receipt of FIP benefits. (Exhibit B).
3. On June 5, 2015, Claimant requested a hearing alleging that she did not receive the full amount of her FIP grant for the month of May 2015.

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, Claimant requested a hearing asserting that she did not receive the full amount of her FIP benefits for the month of May 2015. At the hearing, Claimant testified that on or around May 5, 2015, she received a payment of \$201.50 for the first half of May 2015 but that she did not receive her FIP benefits for the second half of May 2015. Claimant maintained that the second \$201.50 payment for May 2015 was not loaded on to her card.

The Department testified that on April 29, 2015, it sent Claimant a Notice of Case Action informing her that effective June 1, 2015, her FIP case would be closed on the basis that she exceeded the 48 month lifetime time limit for receiving FIP benefits. (Exhibit B). The Department stated that Claimant was approved for FIP through the end of May 2015 and that she received the full amount of her FIP benefits that month. In support of its testimony, the Department presented a benefit summary inquiry showing that on May 5, 2015, \$201.50 was made available to Claimant for the period of May 1, 2015, through May 15, 2015, and that on May 15, 2015, an additional \$201.50 was made available to Claimant for the period of May 16, 2015, to May 31, 2015. The status of the issuance shows paid on the benefit summary inquiry. (Exhibit A). The Department also presented an EPPIC Recipient Transaction History summary showing that two payments of \$201.50 were loaded on Claimant's EBT card on May 2, 2015. The Department testified that the benefits were loaded on to Claimant's card on May 2, 2015, but were not made available to her or paid until May 5, 2015, and May 15, 2015, respectively. (Exhibit C). Therefore, the Department has presented sufficient evidence to establish that it issued Claimant the full amount of her FIP benefits for the month of May 2015 and in accordance with BAM 400 (July 2014) and BAM 401E (July 2014).

Claimant raised additional concerns at the hearing regarding the closure of her FIP case due to reaching the lifetime time limit, however, this was not an issue raised in Claimant's hearing request. Claimant was informed that should she dispute the closure of her FIP case, she was entitled to request a hearing and have the issue resolved, provided that her request is timely filed.

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 processed Claimant's FIP benefits.

DECISION AND ORDER

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



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

Date Signed: **8/5/2015**

Date Mailed: **8/5/2015**

ZB / tlf

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]
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