

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

**IN THE MATTER OF:**

[REDACTED]

[REDACTED] No.: 15-013855  
Issue No.: 1007, 3000  
Case No.: [REDACTED]  
Hearing Date: September 16, 2015  
County: Washtenaw

**ADMINISTRATIVE LAW JUDGE:** C. Adam Purnell

**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 September 16, 2015 from Lansing, Michigan. Claimant personally appeared and provided testimony. [REDACTED] (Family Independence Specialist) represented the Department of Health and Human Services (Department).

**ISSUE**

Did the Department properly close Claimant's Family Independence Program (FIP) "cash assistance" 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 active for FIP benefits.
2. During the relevant time period, Claimant lived at "[REDACTED], [REDACTED]."
3. The Department incorrectly listed Claimant's mailing address as "[REDACTED]."
4. The Department, on June 10, 2015, mailed Claimant a verification checklist (DHS-3503) and sent it to her using the incorrect address at "[REDACTED]" (Exhibit 1, pp 19-20)
5. The Department received returned mail which indicated, "Return to Sender, No Such Street and Unable to Forward." (Exhibit 1, pp 21-23)

6. On June 4, 2015, the Department mailed Claimant a Notice of Case Action (DHS-1605) which closed her FIP case effective July 1, 2015 because Claimant purportedly failed to provide requested verifications. (Exhibit 1, pp 14-17)
7. On July 29, 2015, Claimant requested a hearing concerning the closure of her FIP and Food Assistance Program (FAP) benefits.<sup>1</sup>

### **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.

Here, the parties do not dispute the facts. Department representative conceded that the Department incorrectly entered Claimant's address into the Bridges computer system. As a result, Claimant was unable to receive any correspondence, including verification requests and notices of case action. The Department representative further testified that she believed Claimant was entitled to retroactive FIP benefits from July, 2015, August, 2015 and September, 2015 going forward. Claimant agreed and understood.

Testimony and other evidence must be weighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007). The weight and credibility of this evidence is generally for the fact-finder to determine. *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997). Moreover, it is for the fact-finder to gauge the demeanor and veracity of the witnesses who appear before him, as best he is able. See, e.g., *Caldwell v Fox*, 394 Mich 401, 407; 231 NW2d 46 (1975); *Zeeland Farm Services, Inc v JBL Enterprises, Inc*, 219 Mich App 190, 195; 555 NW2d 733 (1996).

This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record. Because the Department concedes that Claimant is entitled to retroactive FIP assistance due to a Department error (incorrect address), there is no active dispute for this Administrative Law Judge to decide in this matter.

---

<sup>1</sup> Claimant verbally requested that she no longer wished to have a hearing concerning FAP benefits because she has received continuous FAP assistance without interruption during the time period in question.

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 Claimant's FIP or "cash assistance" case.

### **Food Assistance Program**

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

Shortly after commencement of the hearing, Claimant testified that she now understood the actions taken by the Department with regard to her FAP benefits and did not wish to proceed with the hearing concerning FAP. Specifically, Claimant stated that the Department has provided her with continuous FAP benefits during the relevant time period. Therefore, Claimant withdrew the Request for Hearing concerning the FAP issue in this matter. The Department agreed to the dismissal of the FAP hearing request.

### **DECISION AND ORDER**

Pursuant to the withdrawal of the hearing request filed in this matter, the Request for Hearing concerning FAP benefits is **DISMISSED**.

Accordingly, the Department's decision concerning Claimant's FIP assistance 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 provide Claimant with retroactive FIP assistance for July 2015, August 2015, and September 2015 (going forward) consistent with policy.
2. The Department, if not already done so, shall reengage Claimant with the PATH program.

3. The Department shall provide Claimant with supplemental FIP assistance but only to the extent required by policy.



---

**C. Adam Purnell**  
Administrative Law Judge  
for Nick Lyon, Director  
Department of Human Services

Date Signed: 9/17/2015

Date Mailed: 9/17/2015

CAP/las

**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:

