

**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.: 15-014216
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.

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 received, or was a member of a group that received, FIP, SDA, RAP, or CDC benefits.
2. 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.

3. On May 18, 2015, Petitioner timely filed a Barry v. Lyon Request for Hearing Form seeking restoration of benefits due to MDHHS denying, terminating, or reducing FIP, SDA, RAP, or CDC benefits during the timeframe from December 30, 2012 to January 9, 2015.
4. MDHHS did not deny, terminate, nor reduce SDA eligibility during the timeframe from December 30, 2012 to January 9, 2015 due to fugitive felon status.

CONCLUSIONS OF LAW

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. MDHHS (formerly known as the Family Independence Agency) administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180. 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'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 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. The purpose of this hearing 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.

Petitioner testimony conceded that her eligibility for cash assistance or CDC programs was not impacted by a fugitive felon disqualification. Petitioner testimony indicated she appeared for the hearing to dispute a previously imposed criminal justice disqualification

affecting her Food Assistance Program (FAP) eligibility. Petitioner's stated dispute is outside of the limited scope of the present hearing and is expected to be handled by MDHHS in a future and yet to be determined manner.

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 did not deny, terminate, or reduce 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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