



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

MIKE ZIMMER
DIRECTOR

[REDACTED]

Date Mailed: March 2, 2016
MAHS Docket No.: 16-000454
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

Following Petitioner'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 three-way hearing was held on March 2, 2016, from Detroit, Michigan. The Petitioner was represented by Petitioner [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED], Family Independence Specialist.

ISSUE

Did the Department properly supplement the Petitioner'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. The Department was ordered to supplement the Petitioner's FIP benefits pursuant to a Hearing Decision issued by Administrative Law Judge Christian Gardocki on December 14, 2015. The Decision ordered that the Department determine Petitioner's FIP eligibility effective September 2015 based on a finding that the Petitioner reported a change to the Department on August 31, 2015. The Department was to issue a supplement for any benefits improperly not issued for the month of September 2015 ongoing.

2. The Department did not issue a FIP supplement to the Petitioner for the months of September, October and November 2015 for her FIP group, the Eligibility Summary indicated a supplement was paid in the amount of \$0.
3. The Department could not determine at the hearing why the supplements for those months were not issued.
4. The Petitioner requested a timely hearing on January 4, 2016.

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, a Hearing Decision was issued by Administrative Law Judge Christian Gardocki on December 14, 2015. The decision clearly ordered the Department to redetermine the Petitioner's tip eligibility as of September 1, 2015, based on a reported change of August 31, 2015. To that end, the Department conceded that it should have issued supplements for the months of September, October, and November 2015 and did not present any evidence which would support its failure to supplement the Petitioner's FIP benefits.

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 failed to issue an FIP supplement to the Petitioner for the months of September, October and November 2015. The Department also failed to satisfy its burden of showing that it acted in accordance with Department policy when it failed to supplement the Petitioner's FIP benefits.

DECISION AND ORDER

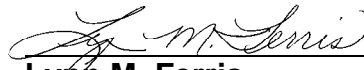
Accordingly, the Department's decision is **REVERSED**.

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 issue an FIP supplement to the Petitioner for the months of September, October and November 2015 in accordance with Department policy.
2. The Department shall provide the Petitioner written notice of its issuance of the FIP supplement for the months in question.

LMF/jaf



Lynn M. Ferris
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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

DHHS



Petitioner

