



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: June 12, 2017
MAHS Docket No.: 17-005574
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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 telephone hearing was held on June 1, 2017, from Lansing, Michigan. Petitioner was represented by herself. The Department was represented by Family Independence Specialist [REDACTED]

ISSUE

Did the Department properly close Petitioner's Family Independence Program (FIP) beginning May 1, 2017?

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 was an ongoing recipient of Family Independence Program (FIP) benefits. Petitioner was deferred from participation in PATH for medical reasons. Petitioner's deferral was required to be reviewed in October 2017.
2. On October 26, 2016, Petitioner's medical documentation was sent to the Disability Determination Services (DDS) office for review of her Path deferral.
3. On March 23, 2017, DDS denied Petitioner a continuing deferral from PATH.
4. On April 5, 2017, Petitioner was sent a Notice of Case Action (DHS-1605) which stated her Family Independence Program (FIP) would close beginning May 1, 2017 because she had exceeded the federal cash assistance time limits.

5. On April 13, 2017, Petitioner submitted a hearing request.
6. On April 27, 2017, the Department submitted a 3,663 page hearings packet as evidence.

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 the Department's proposed action is to close Petitioner's Family Independence Program (FIP) because she has exceeded the federal time limits for cash assistance. The Department is not seeking to close Petitioner's Family Independence Program (FIP) based on her medical condition. This is a Family Independence Program (FIP) eligibility determination hearing. In accordance with Bridges Administration Manual (BAM) 600 Hearings, there is no jurisdiction to conduct a hearing on Petitioner's medical condition to determine if she should be deferred from participation in PATH.

The most important evidence for this hearing is a record of Petitioner's receipt of cash assistance for use in determining if she has exceeded the time limit. The several thousand pages of medical history submitted by the Department are irrelevant in this case. The first 27 pages of the Department's evidence packet are relevant because they show the correspondence and actions since the DDS determination was made. The 8 pages of the DDS decision were also admitted into evidence. The Department representative was asked if the Department had a record of Petitioner's receipt of cash assistance stashed somewhere in all the irrelevant medical evidence. The representative testified that he did not know.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it closed Petitioner's Family Independence Program (FIP) beginning May 1, 2017.

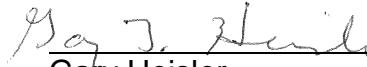
DECISION AND ORDER

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. Reinstate Petitioner's Family Independence Program (FIP) and process it in accordance with Department policy.

GH/nr



Gary Heisler
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

[REDACTED]

Petitioner

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