

**STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS & RULES
FOR THE DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:

DHS Req. No: 2008-29321
SOAHR Docket No. 2008-30555 REHD
Case No: [REDACTED]
Load No: [REDACTED]

[REDACTED]

Claimant

RECONSIDERATION DECISION

This matter is before the undersigned Administrative Law Judge (ALJ) pursuant to MCL 24.287(1) and 1993 AACRS R 400.919 upon the request of the Department of Human Services (DHS).

ISSUE

Did the Administrative Law Judge properly determine that the Department erred in denying Claimant's application for Family Independence Program (FIP) benefits?

FINDINGS OF FACTS

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

1. On August 6, 2008, ALJ Michael Bennane issued a Hearing Decision in which the ALJ reversed the Department of Human Services' (DHS) denial of the Claimant's application of April 7, 2008 for FIP benefits.
2. On August 27, 2008 the State Office of Administrative Hearings and Rules (SOAHR) for the Department of Human Services received a Request for Rehearing/Reconsideration submitted by DHS.
3. On October 2, 2008, SOAHR granted the Department's Request for Rehearing/Reconsideration and issued an Order for Reconsideration.
4. Findings of Fact 1-4 from the Hearing Decision, mailed on August 19, 2008, are hereby incorporated by reference.

5. The Department determined that Claimant withdrew her FIP application of April 7, 2008.
6. As a result the Department denied Claimant's FIP application.
7. Claimant did not withdraw her FIP application of April 7, 2008.

CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human Services (formerly known as the Family Independence Agency) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Pursuant to Department policy a request for assistance may be in person, by mail, telephone or an application can be obtained on the Internet. The requester has the right to receive the appropriate application form. The date of application is the date the local office receives the required minimum information on an application or the filing form. If the application or filing form is faxed, the transmission date of the fax would be the date of application. Record the date of application on the application or filing form.

A client/AR may withdraw the application any time before it is disposed on ASSIST. However, if the client has an AR, they must first revoke the AR's authorization to represent them before the client may withdraw the application. The signature of the AR is not required. The Department must document the withdrawal on the DHS-1171-R, Registration/Disposition. To confirm it, the Department representative must send the client: A DHS-1150, Application Eligibility Notice, or A DHS-4598, Medical Program Eligibility Notice, or A DHS-4690, Child Development and Care Client Certificate/Notice. PAM Manual Item 110

In the present case, Claimant applied for FIP benefits on April 7, 2008. On April 10, 2008, Claimant called the Department to indicate that she had found employment. She did not indicate that she withdrew her application. At the hearing Claimant testified that she did not speak to a Department representative, but left a telephone message. When Claimant discovered that her application was denied, she then contacted the Department to indicate that she did not withdraw her application. At that point, the Department should have reinstated the application. Pursuant to the policy cited above the denial notice is sent to confirm the withdrawal. Since Claimant did not confirm the withdrawal the application should have been reinstated. The negative action should have been deleted.

[REDACTED]
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DHS Reg No: 2008-29321
Reconsideration Decision

The ALJ properly determined that the Department erred in denying Claimant's application of April 7, 2008 and properly ordered that the Department reinstate that application.

DECISION AND ORDER

This Administrative Law Judge, based on the above findings of fact and conclusion of law, decides that the Administrative Law Judge was correct when he found that the Department erred in denying Claimant's application of April 7, 2008.

IT IS THEREFORE ORDERED:

That the Administrative Law Judge's decision mailed August 19, 2008 on the issue of FIP is UPHELD.

That the Department is to reinstate and process Claimant's application of April 7, 2008 and provide a determination of eligibility to Claimant in writing.

/s/
Rhonda Craig
Administrative Law Judge
for Michigan Department of Human Services

Date Signed: May 5, 2009
Date Mailed: May 7, 2009

cc:

[REDACTED]

***** NOTICE *****

The Appellant may appeal this Rehearing Decision to Circuit Court within 30 days of the mailing of this Rehearing Decision.