

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No: 2009-1759
Issue No: 1010, 6019
Case No. [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 4, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Tyra L. Wright

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon Claimant's request for a hearing. After due notice, a hearing was held on May 4, 2009. The Claimant personally appeared and testified. A family independence manager represented the Department.

ISSUE

Did the Department improperly delay determining Claimant's eligibility for Family Independence Program (FIP) and Child Day Care (CDC) benefits?

FINDINGS OF FACT

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

- (1) Claimant applied for Food Assistance Program (FAP), Medical Assistance (MA), FIP and CDC benefits in June 2008. (Exhibit 1).

- (2) She received FAP and MA benefits. Claimant, however, never received a determination regarding her request for FIP and CDC benefits.
- (3) Claimant began working a job on July 27, 2008.
- (4) Claimant requested a hearing in September 2008 because she still needed assistance with child day care.
- (5) The Department received her hearing request on September 22, 2008. (Exhibit 1).

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).

The Child Development and Care program is established by Title IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department of Human Services (formerly known as the Family Independence Agency) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

STANDARDS OF PROMPTNESS

All Programs

The standard of promptness (SOP) begins the date the department receives an application/filing form, with minimum required information.

Exception #1: For **FAP**, the SOP begins when the **correct** local office receives it. See [PAM 110](#).

Exception #2: For **FAP**, when a person applies for SSI and FAP before being released from a medical institution, the SOP begins on the applicant's date of release.

See [PAM 105](#), for the minimum required information for filing.

Process applications and requests for member adds as quickly as possible, with priority to the earliest application date. See “[PROCESSING DELAYS](#)” in this item. Requests for member adds must be registered on ASSIST. See AUM 150.

FIP, RAP, CDC, SDA, MA and AMP Only

Approve or deny the application and mail the client a notice within 45 days. If the client applied for CDC, the CDC provider must also be sent a notice within 45 days.

Exceptions:

- 10 days for all pregnant Medicaid applicants.
- 30 days for Refugee Assistance Program (RAP) applicants.
- 60 days for SDA applicants.
- 90 days for MA categories in which disability is an eligibility factor.

The SOP can be extended 60 days from the date of deferral by the Medical Review Team.

For CDC, also send a notice to the client and provider applicant within six workdays of receiving the DHS-220-A/220-A-SP, Day Care Aide Provider Application, from a person applying to be a day care aide or the DHS-220-R/220-R-SP, Relative Care Provider Application, from a person applying to be a relative care provider. The notice must inform the client and provider applicant whether the provider application has been approved or denied. See [PEM 704](#). (PAM 115, p. 10-11)

It is found that Claimant completed in application for FIP and CDC benefits in June 2008. Claimant contends that she is not seeking a determination regarding her request for FIP

benefits because she began working in July 2008. Claimant, however, waited for the Department to make a decision regarding her request for child care assistance.

Under PEM 115, the Department has the responsibility to “approve or deny the application and mail the client a notice within 45 days. If the client applied for CDC, the CDC provider must also be sent a notice within 45 days.” In this case, Claimant did not get a response from the Department regarding her application for FIP and CDC benefits. Because she never received a determination and the Department could not establish at the hearing that a determination was made, it is found that the Department improperly delayed making a determination.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department improperly delayed a determination regarding Claimant’s request for CDC benefits.

Accordingly, the Department is ORDERED to determine whether Claimant is eligible for CDC benefits retroactive to the date of her June 2008 application for assistance. If so, the Department is ORDERED to open her CDC benefit case retroactive to the date of her application and issue any retroactive CDC benefits Claimant would have been eligible to receive if her application had not been improperly delayed.

/s/ _____
Tyra L. Wright
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 05/07/09

Date Mailed: 05/11/09

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

TW/dj

cc:

