

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████
Claimant,

Reg No: 2009-22659
Issue No: 1010
Case No: ██████████
Load No: ██████████
Hearing Date:
July 2, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Steven M. Brown

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 telephone hearing was conducted from ██████████ on July 2, 2009.

ISSUE

Whether the Department acted upon Claimant's application for Family Independence Program (FIP), Medical Assistance (MA) and Food Assistance Program (FAP) benefits with reasonable promptness?

FINDINGS OF FACT

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

- (1) On March 26, 2009, Claimant applied for FIP, MA and FAP benefits.

(2) On April 22, 2009, the Department received Claimant's hearing request which stated that she had applied for FIP, MA and FAP benefits in February 2009 and suggested that the Department had not yet acted upon her application.

(3) On May 5, 2009, the Department processed Claimant's March 26, 2009 application and she was approved for FIP, MA and FAP benefits.

(4) At hearing, Vivian Turner, FIM, stated that the Department had no record of a February 2009 application and that the unavailable caseworker had no recollection of it.

(5) Claimant testified at hearing that she applied for FIP, MA and FAP benefits in February 2009 and was told by the Department that it lost her application and she would, therefore, have to reapply. She testified that she made a copy of the 1st page of the Assistance Application, DHS-1171, and that it has a February 27, 2009 date stamp from the [REDACTED] office and a March 11, 2009 date stamp from the [REDACTED] office. [REDACTED] reviewed the document and testified that it appeared that Claimant did attempt to apply for benefits in February 2009 and somebody from the Department must have taken it otherwise it would not be date stamped.

(6) The Department was asked to fax over any documents at the conclusion of the hearing pertaining to Claimant's March 26, 2009 application and/or the May 5, 2009 Department approval. The Department was also asked to fax over the date stamped 1st page of Claimant's Assistance Application. The parties were also told that, if the matter was resolved after hearing, the Department was to fax over a Hearing Request Withdrawal. As of the date of this Hearing Decision, none of the requested documents and/or a Hearing Request Withdrawal have been received by the undersigned.

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 (DHS or department) 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 Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Clients must complete and sign the appropriate application form – DHS-1171, Assistance Application (All Programs). The Department must then register an application/DHS-1171 Filing Form, with the minimum information, on ASSIST. The Department must then interview clients when required by policy, determine eligibility for a program within the acceptable standard of promptness, document the eligibility determination on the DHS-1171-C, Eligibility Determination and Certification and inform the client of the eligibility decision. PAM 115, p.1

There was no evidence presented that Claimant did not provide the minimum information necessary to determine eligibility. Rather, it is clear to me based on the hearing testimony of the Department and Claimant that Claimant applied for benefits on February 27, 2009 and the Department simply lost and/or misplaced her application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department did not act in accordance with policy in acting upon Claimant's application for FIP, MA and FAP benefits with reasonable promptness.

Accordingly, the Department's FIP, MA and FAP eligibility determination(s) are REVERSED, it is SO ORDERED. The Department shall:

- (1) Process Claimant's application for FIP, MA and FAP benefits using February 27, 2009 as the date of application.
- (2) Issue Claimant supplemental benefits she is entitled to, if any.
- (3) Notify Claimant in writing of the Department's revised determination.

(4) Claimant retains the right to request a hearing if she would like to contest the Department's revised determination.

/s/

Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: July 14, 2009

Date Mailed: July 15, 2009

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 receipt 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.

SMB/db

cc:

[Redacted]