

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: 2009-29735
Issue No: 1010; 6043
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 12, 2009
Muskegon County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 held on August 12, 2009. Claimant personally appeared and testified.

ISSUE

Did the department correctly determine that claimant's Family Independence Program (FIP) application should be processed based on June 4, 2009 application date?

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 requested a hearing on July 7, 2009, contesting FIP and Food Assistance Programs (FAP).
2. Department's Hearing Summary indicates that claimant's FAP benefits were corrected by issuing her retroactive benefits to date of closure of April 1, 2009, based on an

Order of Dismissal dated June 4, 2009, rendered by an Administrative Law Judge (ALJ), but that the claimant is still contesting actions on her FIP application of January 28, 2009.

3. June 4, 2009 ALJ's Order is provided for the hearing and contains a sentence stating "Lastly, the claimant agreed to complete a FIP application to enable the department to consider her eligibility for FIP participation".

4. Department's Hearing Summary states that January 28, 2009 FIP application had been denied, and that the claimant's June 4, 2009 FIP application is currently pending.

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).

Claimant testified that she understood the previous ALJ's Order to allow her to complete another FIP application so the department can address her FIP eligibility based on application date of January 28, 2009. Department's hearing testimony reveals that claimant's January, 2009 FIP application was lost at the time of the previous hearing and could not be presented as evidence at that hearing. Therefore, it is apparent that the ALJ's Order was for the department to allow the claimant to complete another FIP application and to process such application with application date of January 28, 2009. Department's representative (not involved in previous actions on claimant's case) states that the lost application was apparently located after the

hearing and that the claimant's FIP eligibility was not going to be considered prior to June, 2009 current FIP application. Claimant was denied FIP previously as she allegedly did not attend Work First/JET, something she states she did indeed do. No denial letter can be located in the claimant's case record, as departmental policy requires. BAM 115.

Department lost documentation, claimant's January, 2009 FIP application, when previous hearing took place regarding department's actions based on that application. Department therefore did not present evidence at the previous hearing to show their actions on claimant's case were correct, and ALJ ordered that department accept another application from the claimant to address her FIP eligibility based on January 28, 2009 application date. Department however then apparently located claimant's application after the hearing so an assumption was made that somehow this resolved the previous hearing issue in favor of the department. As of the date of this hearing a denial notice for the previous application cannot be located, and it is possible that the department also lost documentation that the claimant indeed attended WF/JET as she was required to do during the pendency of her January, 2009 FIP application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department incorrectly determined that the claimant's FIP application should be processed based on June 4, 2009 application date.

Accordingly, department's action is REVERSED. Department shall:

1. Process claimant's FIP application based on January 28, 2009 application date.
2. Obtain any further documentation/verification needed to complete FIP application processing, including WF/JET referral.

3. If the claimant meets all eligibility requirements, grant the claimant FIP benefits effective second half of February, 2009, and issue her any such benefits she did not previously receive.

4. Notify the claimant in writing of this determination.

SO ORDERED.

/s/
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 19, 2009

Date Mailed: August 20, 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 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.

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