

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: 2009-33257

Issue No: 1010

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

September 23, 2009

Genesee 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 [REDACTED] on September 23, 2009.

ISSUE

Whether the Department acted upon Claimant's Family Independence Program (FIP) application 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 April 27, 2009, Claimant applied for FIP benefits.
- (2) Claimant's application was accepted and her information was entered into the computer.

(3) The computer opened Claimant's case on its own and issued benefits to her for July 2009.

(4) The Department discovered the computer error and referred it to the [REDACTED] Department in [REDACTED].

(5) Claimant's case was changed to pending and the computer issue, which affected Claimant's case as well as many other cases statewide, continues to being worked on by the [REDACTED] Department in [REDACTED].

(6) On August 13, 2009, the Department received Claimant's hearing request regarding her FIP application.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

The Department must approve or deny a client's FIP application and mail the client a notice within 45 days of his or her application. BAM 115, p.11 Claimant filed an application for FIP benefits more than 5 months ago. I understand that there is an ongoing computer issue, however, Claimant is entitled to an up or down decision on her FIP

application. With that said, I do not find that the Department acted in accordance with policy in this matter.

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 this matter. Accordingly, the Department shall immediately process Claimant's application for FIP benefits, it is SO ORDERED.

/S/

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

Date Signed: October 5, 2009

Date Mailed: October 7, 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:

