

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: 2009-7401

Issue No: 1005

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

March 2, 2009

Kent County DHS

ADMINISTRATIVE LAW JUDGE: Tyra L. Wright

**AMENDED**

**HEARING DECISION**

This is an amended decision to correct a typographical error in the hearing decision mailed on March 11, 2009.

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 March 2, 2009. Claimant personally appeared and testified. Spanish Interpreter [REDACTED] appeared and provided translation services for this hearing. A family independence specialist and a family independence manager represented the Department.

**ISSUE**

Did the Department properly deny Claimant's application for Family Independence Program (FIP) 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 FIP benefits on August 4, 2008.
- (2) Her application was switched to a different case worker. Then a Pending Application Notice, DHS-330, was sent to Claimant on September 3, 2008. (Exhibit 3). The Pending Application Notice stated that an interview had been scheduled for September 15, 2008 at 1:00 pm.
- (3) A Verification Checklist, DHS-3503, also was sent to Claimant on September 3, 2008. (Exhibit 4).
- (4) Claimant did not appear for the interview.
- (5) The Department then denied her application on September 18, 2008 on the grounds that she did not attend the interview. (Exhibit 2).
- (6) The Department received the Claimant's hearing request on December 12, 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).

#### **INCOMPLETE APPLICATIONS**

##### **All Programs**

An application is incomplete until it includes enough information

to determine eligibility. See [PAM 105](#) for a list of the minimum information required for registering an application.

When an incomplete application is filed, retain the application and give or send the client the DHS-330, Pending Application Notice. It informs the client of the:

- Application date,
- Due date for missing information, **and**
- Interview date, if any.
- An interview is **not** necessary, **or**
- Information is still missing after the initial interview.

**Note:** The DHS-330 can also be used as a receipt for a completed application and scheduling an interview.

**Reminder:** If an interview is necessary, conduct it on the day of the filing, if possible. Otherwise, schedule it for **no later than 10 calendar days** from the application date. (PAM 115, p. 3)

### **Failure to Complete the Application Process**

#### **All Programs**

You **cannot** deny an application due to incompleteness until 10 calendar days from the **later** of:

- Your initial request in writing to the applicant to complete the application form or supply missing information, **or**
- The initial scheduled interview.

**Exception:** For FAP, you **cannot** deny an application due to a **missed initial interview** until the **30th** day after the application date. You **cannot** deny an application for failure to provide verifications or complete the application process until the 30th day if the client has **not** attended the initial interview. (PAM 115, p. 4)

Claimant contends that she did not attend the interview scheduled for September 15, 2008 because she did not receive notice that an interview had been scheduled. Under these

circumstances it is found that her application should not have been denied for failure to attend a scheduled interview.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department improperly denied Claimant's application for FIP benefits. Accordingly, the Department's action is REVERSED. The Department is ORDERED to schedule an interview with Claimant for the purpose of determining her eligibility for assistance.

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

Date Signed: 03/18/09

Date Mailed: 03/18/09 dj

**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:

