

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.: 2010-12801
Issue No.: 2000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
March 17, 2010
Wayne County DHS (19)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for hearing. After due notice, a hearing was held in Inkster, Michigan on Wednesday, March 17, 2010. The Claimant's authorized representative, [REDACTED] of [REDACTED], appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly issued the Claimant's cash assistance benefits for September 2009?

FINDINGS OF FACT

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

1. The Claimant submitted an application for cash assistance on August 31, 2009. (Exhibit 1)

2. On or about September 8, 2009, the Claimant was approved for \$201.50 bi-weekly FIP benefits. (Exhibit 1)
3. The Claimant did not receive any cash assistance for September. (Exhibit 2)
4. On October 9, 2009, the Claimant received \$403.00 FIP benefits and \$201.50 bi-weekly benefits thereafter. (Exhibit 2)
5. On September 30, 2009, the Department received the Claimant's written request for hearing.

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 Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Policy Glossary ("BPG").

The Claimant submitted an application for public assistance seeking cash assistance on August 31, 2009. The Claimant was approved for FIP benefits in the amount of \$201.50 bi-weekly. The Claimant did not receive any benefits for the month of September however on October 9, 2009 the Claimant received \$403.00 which covered 2 weeks in September and the first two weeks of October. Subsequently, the Claimant received \$201.50 bi-weekly. During the hearing, the Department agreed to supplement the Claimant for the two week period in September 2009 for benefits she was entitled to receive but did not. In light of the accord, the Department's actions are not upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department's actions are not upheld.

Accordingly, it is ORDERED:

1. The Department's actions are not upheld.
2. The Department shall supplement the Claimant, as agreed, \$201.50 for the two week period in September 2009 from which the Claimant should have received FIP benefits but did not.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 4/2/2010

Date Mailed: 4/2/2010

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 60 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.

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