

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.: 2010-21021
Issue No.: 1002
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
March 17, 2010
Wayne County DHS (73)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37, and Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan, on March 18, 2010. The Claimant appeared and testified, and [REDACTED], Claimant's mother, also appeared and testified for Claimant. On behalf of the Department of Human Services (DHS), [REDACTED]
[REDACTED]
[REDACTED], appeared and testified.

ISSUE

1. Whether Claimant's hearing request was timely?

FINDINGS OF FACT

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

1. On November 24, 2009, Claimant applied for Family Independence Program (FIP) benefits.
2. The pay period in which Claimant's Application became thirty days old is the pay period of December 16-31, 2009.
3. On January 28, 2010, Claimant's benefits were approved retroactively to December 16, 2009.
4. Claimant requested a hearing by written notice to DHS on January 28, 2010.

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 United States Code Sec. 601 *et seq.* DHS administers FIP pursuant to MCL 400.10 *et seq.*, and Michigan Administrative Code Rules 400.3101-3131. FIP replaced the Aid to Dependent Children program effective October 1, 1996. DHS policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

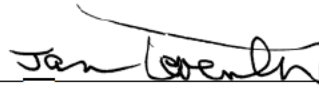
BAM 115 states:

Provided the group meets all eligibility requirements, begin assistance in the pay period in which the application becomes 30 days old. BAM 115, p. 17.

I conclude as a matter of law that DHS provided FIP benefits to Claimant on the appropriate date. I note that the thirtieth day after Claimant's Application is December 24, 2009, and I further note that this date falls in the pay period of December 16-31, 2009. I find that DHS' action was appropriate and is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, AFFIRMS the Department's decision to use December 16, 2009, as the correct starting date for Claimant's FIP benefits. No further action is required by DHS.



Jan Leventer
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 30, 2010

Date Mailed: April 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 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.

JL/pf

cc:

