

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: 201023861
Issue No: 6000
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 10, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 hearing was held on June 10, 2010. Claimant was represented by Selma Goode of West Side Mothers.

ISSUE

Did the Department process claimant's request for Direct Support Services?

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 transportation Direct Support Services on April 23, 2009.
- (2) No determination was completed at that time.
- (3) Claimant had a job that required transportation.
- (4) Claimant subsequently lost that job as a result of the lack of transportation.
- (5) Claimant requested a hearing into the matter for failing to process the application.

- (6) That hearing was subsequently dismissed by SOAHR, without a hearing, on July 29, 2009 for unknown reasons.
- (7) Claimant filed another hearing request on July 21, 2009 over the same issue.
- (8) As of the date of this writing, that hearing has yet to be scheduled.
- (9) Claimant requested DSS services again in August, 2009.
- (10) This request was processed and denied, but claimant was never given a denial.
- (11) On February 22, 2010, claimant requested another hearing, alleging that she had been attempting to get her DSS application processed for almost a year, with no luck.
- (12) At the hearing, DHS agreed to reprocess claimant's DSS application.
- (13) As a result of this agreement, claimant, via her representative, indicated that he no longer wished to proceed with the 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 (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).

Under Bridges Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The agency provides an Administrative Hearing to review the decision and determine if

it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the agency receives a hearing request and continues through the day of the hearing.

Claimant first requested a hearing in this matter, according to SOAHR records, on June 22, 2009. This case was dismissed for unknown reasons by SOAHR staff. Claimant reiterated her hearing request on July 21, 2009. According to the hearing summary in that case (which has not been scheduled and is still pending in SOAHR's case management system almost one year later), claimant requested DSS services for a car purchase on April 23, 2009. According to the caseworker who wrote that hearing summary, claimant was provided with a DHS-0249, Vehicle Request Form. Claimant returned this information on May 13, 2009; however, the caseworker preparing the summary wrote that "the determination was not completed timely". The Administrative Law Judge takes this to mean that the claimant's DSS request was never processed.

In the meantime, claimant lost the job for which she required transportation.

Claimant subsequently reapplied for DSS in August, 2009, hoping for some movement on her request; this request was denied, but no case action notice was ever given to the claimant, thus leaving her in the dark as to the status of her request for DSS services. She then requested a hearing on the matter on February 22, 2009 which alluded to this entire case history; the case history was fully elaborated on at hearing and confirmed by the Department.

As of the current writing, claimant has filed two applications for DSS services and three hearing requests into the same matter, with no movement on her case. Because of the situation, claimant has lost her job and been limited in her present job search because of her lack of

transportation. This entire situation is appalling, and the undersigned understands claimant's frustration, which was evident at the hearing.

To its credit, the Department agreed at the hearing to process claimant's DSS application for vehicle purchase from August 2009. The Department is to be commended for recognizing an error and working to correct that error.

However, given the case history and the fact that both Department and SOAHR records show that claimant's February 22, 2010 hearing request stemmed from the lack of movement on claimant's April 23, 2009 DSS request—the only reason claimant reapplied for DSS services in August, 2009, was the lack of movement on her original request—the Administrative Law Judge feels that the more appropriate application to process would be claimant's April 23, 2009 DSS request. This application definitely occurred and was confirmed by the Department's hearing summary for claimant's hearing request of July 21, 2009, which was submitted by the Department in the present case as the parties worked to figure out exactly what happened.

Therefore, as the April 23, 2009 application has been confirmed by the Department and SOAHR, and all events surrounding this rather confusing case stem from that April 23, 2009 application, the Administrative Law Judge holds that this application should be processed.

Furthermore, the Administrative Law Judge holds that the application should be processed using claimant's employment situation as it was at the time of the application. While claimant subsequently lost her job, while waiting for a determination of her case, claimant still had her job when the application was submitted. Therefore, the Department, when processing her application, should proceed as if claimant still had the job she had when she applied for services on April 23, 2009.

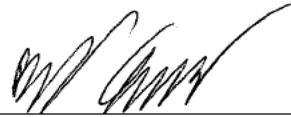
DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department failed to process claimant's April 23, 2009 DSS application.

The Department's actions in the above stated matter are, hereby, REVERSED.

The Department is ORDERED to process claimant's April 23, 2009 DSS application.

The Department is FURTHER ORDERED to process claimant's DSS application as if claimant still had the job she had when she applied for DSS on April 23, 2009. Claimant is to be provided a notice of case action when the application is processed.



Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 06/16/10

Date Mailed: 06/18/10

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.

RJC/dj

cc:

