

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201041181  
Issue No.: 1002  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date: July 26, 2010  
Wayne County DHS (82)

**ADMINISTRATIVE LAW JUDGE:** Christian Gardocki

**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 a hearing. After due notice, a telephone hearing was held on July 26, 2010. The claimant appeared and testified; [REDACTED] also appeared and testified on behalf of Claimant. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

**ISSUE**

Whether DHS properly failed to process Claimant's 7/13/09 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 7/13/09.
2. DHS did not register or process Claimant's 7/13/09 request for FIP benefits.
3. Claimant submitted a hearing request on 6/23/10 disputing the failure by DHS to process Claimant's 7/13/09 application for FIP benefits; Claimant's hearing request also involved a dispute of FAP benefits which Claimant now considers to be resolved.

### **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 Reference Tables Manual (RFT). At the time of Claimant's 7/2009 FIP benefits application, DHS policies were found in the Program Administrative Manual (PAM) and the Program Eligibility Manual (PEM).

A client has 90 calendar days from the date of the written notice of case action to request a hearing. The request must be received anywhere in DHS within the 90 days. PAM 600 at 4.

In the present case, Claimant applied for FIP benefits on 7/13/09. Claimant did not request a hearing concerning her FIP benefits until nearly one year after her application date. However, DHS never made a determination as to whether Claimant was approved or denied those benefits. The 90 day deadline for requesting a hearing is based only on the date DHS acts on a case. If DHS fails to act on a case, then the 90 day period cannot begin. It is found that Claimant timely filed a hearing request concerning her FIP benefits as DHS never issued a written notice of case action.

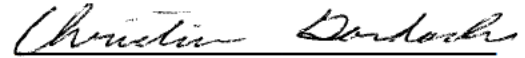
DHS did not provide any evidence that Claimant's 7/13/09 request for FIP benefits was processed. DHS is required to register a signed application or filing form, with the minimum information, within one workday for all requested programs. PAM 110 at 16. DHS did not register or process Claimant's application. It is found that DHS erred by failing to register and process Claimant's 7/13/09 request for FIP benefits.

### **DECISION AND ORDER**

The actions taken by DHS are REVERSED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly failed to make a determination on Claimant's 7/13/09 request for FIP benefits. It is ordered that DHS register Claimant's 7/13/09 request for FIP benefits and to process the request in accordance with policy. Claimant shall be supplemented for any lost FIP

benefits as a result of the DHS failure to timely register the application.

/s/



Christian Gardocki  
Administrative Law Judge  
For Ismael Ahmed, Director  
Department of Human Services

Date Signed: July 30, 2010

Date Mailed: July 30, 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.

CG / hw

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