

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: 2010-5110

Issue No: 1002

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

November 25, 2009

Mason County DHS

ADMINISTRATIVE LAW JUDGE:

Steven M. Brown

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 telephone hearing was conducted from [REDACTED] on November 25, 2009.

ISSUE

Whether the Department properly processed Claimant's Family Independence Program (FIP) application?

FINDINGS OF FACT

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

(1) Claimant received Short Term Family support from November 2008 to February 2009 and also was a Food Assistance Program (FAP) and Medical Assistance (MA) recipient.

(2) On April 13, 2009, Claimant applied for FIP benefits.

(3) On April 27, 2009, the Department processed Claimant's FIP benefits effective May 2009.

(4) Claimant does not dispute the amount of her FIP benefits.

(5) Claimant believes she should be entitled to FIP benefits for the months of March and April 2009 based on her communication with the Department and/or lack thereof in regard to what she needed to do to apply for FIP benefits.

(6) Claimant called the Department at the end of January/beginning of February and throughout March 2009 to inquire as to what she needed to do to have her FIP benefits start ASAP in consideration of a March 7, 2009 scheduled C-section.

(7) The Department acknowledged that the Department should have promptly returned Claimant's phone calls and that she could have applied for and had her FIP effective March 2009 under the circumstances in this matter.

(8) On June 4, 2009, the Department received Claimant's hearing request.

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).

The Department is required to inform people who inquire about the DHS programs available and their right to apply. BAM 105, p. 8-9 A request for assistance may be in person, by mail, telephone or an application can be obtained on the Internet. BAM 110, p. 1 For a request by letter or telephone, mail the application by the end of the next workday. If the application is not returned, the requester must be contacted according to local office procedures. Applicants must be informed of their option to obtain a DHS-1171, Assistance Application which includes a filing form, at the following Web site: www.michigan.gov/dhs-forms. BAM 110, p. 2 The local office must assist clients who need and request help to complete the application form. See BAM 105. The time limit to respond depends on the circumstance: For clients in the local office, within one workday; For clients who send a letter, a return letter or phone call within five workdays after receiving the letter; For clients who telephone, a return call within one workday, or a letter within five workdays. BAM 115, p. 1-2

With the above said, and based on the testimony and documentation offered at hearing by the Department and Claimant, I do not find that the Department acted in accordance with policy in processing Claimant's FIP application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, does not find that the Department acted in accordance with policy in processing Claimant's FIP application. Accordingly, the Department's FIP eligibility determination is REVERSED, it is SO ORDERED. The Department shall:

- (1) Process Claimant's FIP application with benefits effective March 2009.

- (2) Issue Claimant supplemental benefits for March and April 2009.

/s/

Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: December 7, 2009

Date Mailed: December 8, 2009

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 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.

SMB/db

cc:



