

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.: 2010-11429

Issue No.: 4020

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

May 20, 2010

Oakland County DHS (2)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on May 20, 2010. The Claimant personally appeared and testified.

ISSUE

Did the Department properly process the claimant's Refugee Assistance (RAP) 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. On August 21, 2008, the claimant entered the United States as a refugee.
2. On February 27, 2009, the claimant applied for RAP.
3. The department processed the claimant's RAP application and paid her a supplement on March 20, 2009.

4. On August 26, 2009, the claimant filed a request for a 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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The department cites PEM 630 as the basis for the denial of the claimant's FIP.

RAP ELIGIBILITY PERIOD

RAPC and/or RAPM is available **only** during the eight months immediately following the refugee's date of entry into the U.S. or date adjusted to a qualifying alien status. Month one is the month containing date of entry or date of adjustment to refugee status. (PEM 630, p.1).

Here, the claimant entered the United States as a refugee on August 21, 2008, and applied for RAP on February 27, 2009.

At the hearing the claimant testified that she went to the department in December, 2008, but the department was unable to supply an interpreter.

The department responded by stating that although they had an interpreter at their office she was unable to handle her workload.

This ALJ finds the claimant's testimony credible especially in light of the department's response.

VERIFICATION REQUIREMENTS

RAP Cash Assistance and Medical Aid

Verify the refugee status of each person at application or member add. See the “[REFUGEES](#)” section in this item for documents which verify refugee status.

Verify each refugee's date of entry into the U.S. Use the I-94, other pertinent USCIS document, or contact with USCIS to verify date of entry.

RAP Cash Assistance

Verify whether income is being received from a sponsor by contacting the sponsor.

Accept the refugee's statement regarding availability of assets outside of the U.S.

Use FIP verification requirements for all other eligibility factors. (PEM 630, p.11).

And:

Obtaining Verification

All Programs

Tell the client what verification is required, how to obtain it, and the due date (see “[Timeliness Standards](#)” in this item). Use the DHS-3503, Verification Checklist, or for MA redeterminations, the DHS-1175, MA Determination Notice, to request verification.

Use the DHS-3503C, Verification Checklist for Citizenship/Identity to request documentation of citizenship or identity for FIP, SDA, and Medicaid determinations.

The client must obtain required verification, but you must assist if they need and request help. (PAM 130, p.2-3)

In the instant case it is obvious that the claimant required the help/assistance of an interpreter and the department admitted that it was unable to supply one in many instances.

The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24. 278(2). In the instant case, the parties reached an accord. The

Department agreed to register the claimant's application for RAP back to December, 2008, and replace any lost benefits.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, and due to the agreed settlement ORDERS the department to register the claimant's RAP application back to December, 2008, and replace the benefits lost for January and February, 2009.



Michael J. Bennane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 6/7/2010

Date Mailed: 6/7/2010

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.

MJB/jlg

cc:

