

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.: 2010-23156
Issue No.: 3004
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 6, 2010
Macomb County DHS (20)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 October 6, 2010. The Claimant appeared and testified along with her spouse [REDACTED]. [REDACTED] ES appeared for the Department.

ISSUE

Whether the Claimant is entitled to retroactive FIP Cash Assistance based on a FIP application dated May 1, 2010?

FINDINGS OF FACT

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

1. The claimant currently is a recipient of FIP benefits based upon an application which she filed in August 2009.
2. At the hearing the claimant said she filed an application for cash assistance on May 1, 2009.
3. The department searched its records including the Department's computer system to determine whether an application had been registered in the claimant's name for May 2009.
4. The department also checked the sign in Journal for May 1, 2009 to determine whether or not the claimant signed in. A review of the sign in journal disclosed that the claimant had not signed in on the date in question.

5. The claimant stated that she gave the cash assistance application to the Department worker who was accepting all applications at the front desk.
6. The department did not receive an application for cash assistance from the claimant on May 1, 2009.
7. The claimant waited until August 2009 to re-file her application and did not determine sooner that the department had no application to act upon. The claimant had applied for assistance and various benefits numerous times before and was familiar with the application system.
8. The claimant's son filed an application for SDA benefits on May 1, 2009. In that application signed by the claimant's son it indicates that the application is not applicable to the claimant, her spouse or any of her children. Exhibit 1
9. The claimant requested a hearing on November 6, 2009 requesting retroactive cash assistance to May 1, 2009. The department received the request for hearing on November 6, 2009.

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 R400.3101-3131. 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).

In the record presented, it appears that the claimant seeks to have retroactive cash assistance awarded to her based upon an application which she testified she filed on May 1, 2009. The department searched both its computer system and the actual journal used by claimants to sign and when dropping off applications for the date in question and did not locate an application registered for the claimant and did not find the claimant's signature on the sign in Journal.

Based upon the evidence presented at the hearing, the claimant is not entitled to retroactive FIP location of benefits for her cash assistance case. The department made a thorough search of its computer system and sign in journal to see if any record existed of an application having been filed by the Claimant. Normally, the department

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does not thoroughly search its records in the manner in which it did in this case to determine whether or not a case had been registered. In this case, the department searched both its computer system and the actual journal used by claimant's to sign in and found no record of the claimant's signing in on the date in question. Based upon these facts it is found that the department did not receive an application from the claimant for FIP Cash assistance on May 1, 2009 and thus cannot award retroactive benefits as it can only do so based upon an actual application having been filed and received. BAM 105. The department can only process an application which it has received.

Accordingly, based upon the foregoing facts and relevant law, it is found that the claimant is not entitled to retroactive cash assistance benefits as there is no official record of her application having been received.

Therefore the Department's action denying the claimant's retroactive cash assistance is correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department properly denied the Claimant's request for retroactive FIP (cash) to May 1, 2009 and its decision in that regard is AFFIRMED



Lynn M. Ferris
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 10/07/2010

Date Mailed: 10/07/2010

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.

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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.

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