

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: 201023453
Issue No: 1010
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 5, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 October 5, 2010. Claimant appeared and testified.

ISSUE

Did the Department of Human Services process Claimant's request to close her Extended Family Independence Program (EFIP) case within the required time?

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 was an ongoing recipient of Extended Family Independence Program (EFIP) benefits.
- (2) On August 26, 2009 Claimant submitted a request to have her EFIP case closed.
- (3) On September 1, 2009 the request was processed and Claimant was sent a Notice of Case Action (DHS-1605) stating her EFIP case would be closed beginning October 1, 2009.
- (4) On November 24, 2009 Claimant submitted a request for hearing because her EFIP did not close before September and the case being opened caused complications with child support.

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 Program Reference Manual (PRM).

Department policy provides the following guidance for case workers. The Department's policies are available on the internet through the Department's website.

BAM 220 CASE ACTIONS

DEPARTMENT POLICY

All Programs

You must process the following case actions:

- Initial applications and reapplications (BAM 115).
- Redeterminations (BAM 210).
- Reinstatements (BAM 205).

Bridges will evaluate each change reported and entered in the system to determine if it affects eligibility.

Changes in circumstances may be reported by the client, via computer tape matches, through quality assurance (QA) reviews, or by other means.

A **positive action** is a DHS action to approve an application or increase a benefit.

A **negative action** is a DHS action to deny an application or to reduce, suspend or terminate a benefit. This includes an increase in a post-eligibility patient-pay amount for MA or an increase in the client pay for a special living arrangement.

STANDARDS OF PROMPTNESS

All Programs

The **standard of promptness** (SOP) is the maximum time allowed to complete a required case action. Cases should be processed as quickly as possible. The SOP sometimes varies by program.

Change Reported Via Tape Matches

All Programs

Case actions resulting from changes reported via tape match (BENDEX, SDX, MESC Wage, MESC UCB, IRS, enumeration, etc.) must be completed within 45 days of receiving the information.

Exception: Changes reported via New Hires Crossmatch must be acted on within 21 calendar days.

All Other Reported Changes

FIP, RAPC, SDA, CDC, MA and AMP

You must act on a change reported by means other than a tape match within 15 workdays after you are aware of the change.

In this case Department policy required that Claimant's requested change be processed within a maximum time of 15 workdays. Department policy does not dictate any minimum time for Claimant's request. The change was processed in 4 workdays which was proper in accordance with Department policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services processed Claimant's request to close her Extended Family Independence Program (EFIP) case within the required time.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHeld.

/s/ _____
Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 12, 2010

Date Mailed: October 12, 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.

201023453/GFH

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.

GFH/vc

cc:

