

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: 201024577  
Issue No: 1002; 1021  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
April 14, 2010  
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 April 14, 2010.

ISSUE

Did the Department properly refuse to process claimant's FIP application?

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 on January 13, 2010.
- (2) On the same date, claimant withdrew her application for FIP.
- (3) Also, on that date, claimant was sent a verification request by the Bridges system for the purposes of the FIP program.
- (4) Claimant did not return the verifications for the FIP program.

- (5) Bridges sent out a negative case action notice on February 6, 2010 for the FIP program, even though claimant had withdrawn her FIP application.
- (6) On February 17, 2010, DHS received a hearing notice appealing the denial of the FIP program.
- (7) Claimant and her social worker also attempted to get in contact with DHS to make sure her FIP application was being processed.
- (8) Claimant and her social worker attempted to reapply for FIP.
- (9) A hearing was held on April 14, 2010.
- (10) Claimant was assisted at hearing by her social worker, [REDACTED].

#### 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).

Claimant applied for FIP on January 13, 2010. However, on the same date, claimant wrote on the application “I decied [*sic*] to not apply for cash asst”. Claimant then signed her name to the statement.

A client may withdraw an application at any time. BAM 110. Claimant’s statement is unambiguous and a clear withdrawal of her FIP application. While the undersigned is confused

as to claimant's motives for doing so, especially given claimant's clear desire for cash assistance only a few weeks later, it is not the place of the Administrative Law Judge to inquire into motives. The only relevant portion is that claimant did withdraw her request for FIP, and it was done in a clear and concise manner. The Department was correct when it did not process the FIP application at that time. While it is true that the actual denial notice for the FIP program was issued by Bridges for unrelated verification issues, the undersigned is of the opinion that any subsequent denial is insufficient to override the simple fact that claimant had withdrawn her application.

That being said, claimant's social worker testified credibly that the claimant had attempted several times to clear up the FIP matter, and would have re-applied had she been made aware that her case had been withdrawn and not denied. Claimant had never been given this information. Based on the phrasing of claimant's hearing request, it is apparent that on February 17, 2010, claimant was laboring under the misapprehension that she still had a processed FIP application. The Department's case action notice, while not sufficient to override claimant's own withdrawal several weeks before, nevertheless conveyed to the claimant that there was still a FIP application that had been processed and denied, when there was not, regardless of her withdrawal. Had claimant known that there was no pending application, she would have re-applied for FIP assistance. The Department was meanwhile working under the assumption that claimant had properly disregarded the case action notice. The case at hand seems to be an exercise in miscommunication.

For that reason, the Department's proper course upon receipt of claimant's hearing request was to facilitate claimant in reapplying for FIP. The Department did not. Therefore, the Administrative Law Judge will hold that the claimant should have been given an application

upon receipt of her hearing request, and therefore, claimant should be supplied with a FIP application that is registered back to the date of her hearing request, February 17, 2010.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department was correct when it did not process claimant's FIP application of January 13, 2010. However, the Department erred when it did not facilitate claimant's request for FIP assistance in February, 2010.

Accordingly, the Department's decision in the above stated matter is, hereby, **AFFIRMED IN PART, and REVERSED IN PART.**

The Department is **ORDERED** to provide claimant with a FIP application, which shall be registered to an application date of February 17, 2010.



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Robert J. Chavez  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: 06/23/10

Date Mailed: 06/24/10

**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.

RJC/dj

cc:

