

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 2010-29115
Issue No.: 1010
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 8, 2010
Wayne County DHS (82)

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 September 8, 2010. The claimant appeared and testified. [REDACTED], FIS appeared on behalf of the Department.

ISSUE

Whether the Department failed to process the Claimant's FIP application on behalf of her daughter and daughter's child filed February 2, 2007?

FINDINGS OF FACT

1. The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds as material fact:
2. The Claimant applied for FIP cash assistance on February 2, 2007 for her daughter and grandson shortly after her grandson was born.
3. The claimant's application was never processed even though she was told repeatedly by the Department representatives to wait and that she would hear something.
4. The claimant finally reapplied for FIP for her daughter on March 23, 2010 which application for FIP was denied because the Claimant's daughter [REDACTED] allegedly failed to attend the Work First Program.
5. The Claimant's daughter testified credibly that she never received a letter from the Department to attend work first. The Department did not produce

a letter indicating that the Claimant's daughter was told to attend work first.

6. The Claimant's grandson was born January 31, 2007 and the Claimant credibly testified that she applied for FIP on her daughter's and grandson's behalf on or about February 2, 2007.
7. The Department representative testified credibly that she remembers that the Claimant did apply after her grandson was born but could not determine what happened to that application, did not know if it was ever processed or whether it was ever denied.
8. The Department representative also testified that she could not honestly deny that such application was not filed in February 2007 and recalled several discussions with the Claimant regarding the application and its status.
9. The Department agreed that it could not refute the Claimant's testimony and could not access documents to determine the result of the Claimant's original application in February 2007.
10. At the hearing the Claimant's daughter agreed that she was not entitled to Food Assistance (FAP) because her mother was already receiving food assistance for both the daughter and grandson already so the Claimant no longer wished to proceed with the hearing with regard to FAP assistance.
11. The Claimant's daughter also sought a hearing regarding Medical Assistance and it was determined that the Claimant's Medical Assistance case was active and open. The Claimant agreed to submit a bill for services that were denied to determine why the bill was not paid. Given this information the Claimant's daughter no longer wished to proceed with the hearing regarding her Medical Assistance Benefits.
12. The Claimant requested a hearing on 2/21/10 and 3/23/10 protesting that no cash assistance application has been processed from February 2, 2007.

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).

A client has a right to apply for benefits and a right to request a hearing regarding any of the Department's actions, failure to act or undue delay by the Department. BAM 105 and BAM 600. The standard of promptness is established to set a bench mark when applications must be acted upon. These standards are put into place so that applications do not get lost in the system. Applications must be approved or denied within 45 days of filing. BAM 115, page 11.

In the instant matter the Department could not determine the status of the Claimant's application from 3 years prior and could neither confirm nor deny whether the application was ever processed. The Claimant testified credibly and the application coincided with the birth of her grandson. Additionally the Department representative did recall the Claimant's repeated attempt to obtain cash assistance for her daughter and grandson but did not recall any specifics about whether the February 2, 2007 application was processed or denied. The representative could also not deny that the application was filed. Under these circumstances it is found that the Department failed to act on the application and that the application must be reinstated as of the date of filing.

While this Administrative Law Judge is cognizant of the difficulty that pertains to determining the status of older applications, the Department did not access the information system to refute the Claimant's claim that she had applied. This decision was also influenced by the testimony of the Department representative that she did recall the Claimant's repeated attempts to find out the status of the FIP cash assistance application for her daughter and grandson. Under these circumstances it is determined that the Department did not act on the original application and therefore it must be reinstated.

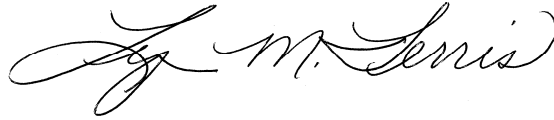
DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds that the Department failed to act on the original application and that same must be reinstated and therefore the Department's decision is REVERSED.

Accordingly it is ORDERED:

1. The Department is ordered to re register the Claimant's application for FIP cash assistance retroactive to February 2, 2007 and to determine if the Claimant's daughter Camille Randolph and her child are eligible for cash assistance.

2. If Camille Randolph and her child are deemed eligible for FIP, the Department shall issue a supplement for FIP cash assistance retroactive to the date of the FIP application.



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

Date Signed: 9/9/2010

Date Mailed: 9/9/2010

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.

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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