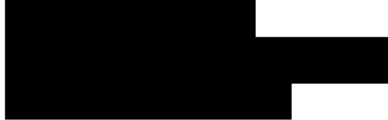


STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 2011-10668
Issue No.: 2022/3014
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: January 19, 2011
Wayne County DHS (57)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

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 January 19, 2011. The claimant appeared and testified.

ISSUE

Did the Department properly process the claimant's Family Independence Program (FIP) and Food Assistance (FAP) 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 September 10, 2010, the claimant filed an application for FIP and FAP.
2. The claimant had previously been part of her mother's FAP and FIP group.
3. On September 24, 2010, 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 Michigan Administrative Code Rules R400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department

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policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

Here, the department failed to provide any documentation of the action taken claimant's FIP and FAP application.

Response to Requests

All Programs

For a **request in person**, the local office must do all of the following:

Give the requester an application the **same day**.

Explain the right to file the application (or DHS-1171 Filing Form, with the minimum information) that day and encourage the client to do so.

Explain that the application date might affect the amount of benefits.

Encourage the person to complete the entire application that day. Persons who cannot complete the entire application should complete the DHS-1171, Filing Form, to protect their application date. [BAM 105](#) lists the minimum information to file an application.

For a **request by letter or telephone**, mail the application by the end of the **next workday**. If the application is **not** returned, the requester must be contacted according to local office procedures.

Applicants must be informed of their option to obtain a DHS-1171, Assistance Application, which includes a filing form, at the following web site: www.michigan.gov/dhs-forms.

Your office may register requests for assistance on Bridges; see the [REQUESTS](#) section in this item. The applicant may withdraw their request for assistance at any time. (BAM 110, p. 1)

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Here, the department was unable to provide any documentation of its action concerning the claimant's FIP and FAP application on September 10, 2010.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, REVERSES AND ORDERS the Department to reregister the claimant's FIP and FAP application back to September 10, 2010.



Michael J. Bennane
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 2/16/2011

Date Mailed: 2/16/2011

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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cc:

