

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201146332
Issue No.: 1002
Case No.: [REDACTED]
Hearing Date: August 29, 2011
Wayne County DHS (43)

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 August 29, 2011. The Claimant appeared and testified. [REDACTED], JET Case Manager, appeared on behalf of the Department.

ISSUE

Whether the Department was required to register and process the Claimant's FIP application dated October 12, 2010.

FINDINGS OF FACT

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

1. The Claimant applied for Cash Assistance (FIP) on October 12, 2010. Exhibit 1.
2. The Claimant's October 12, 2010 application was never registered and processed.
3. The Department could not explain why it never processed the application.
4. At the hearing, the Claimant confirmed that her hearing request was regarding her FIP cash assistance and not her FAP benefits. The question of what benefits were involved in the hearing request was clarified by the claimant on the hearing record as the hearing request did not specifically state which benefits were involved in the hearing request.

5. The Claimant requested a hearing on July 28, 2011, protesting that she had filed several applications for FIP and had never heard from the Department.

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

In this case, the Department, during the hearing discovered an application for FIP cash assistance filed by the Claimant which was never registered by the Department. The Department representative could not explain why the application was not processed. The Department is required to register all applications it receives which contain the minimum information. BAM 110 page 6. In this instance it did not register the application and had no explanation why it was never registered.

Based upon the foregoing, the failure of the Department register the application must be corrected in accordance with Department policy (which requires all applications for benefits be registered).

DECISION AND ORDER

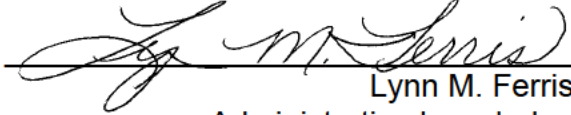
The Administrative Law Judge, based on the above findings of fact and conclusions of law finds the Department failed to register a duly filed application of the Claimant for cash assistance dated October 12, 2010 and its failure to register the application it received was clear error.

Accordingly it is ORDERED:

1. The Department shall register the Claimant's FIP application dated October 12, 2011 as October 12, 2010.
2. The Department shall initiate and determine the Claimant's eligibility for FIP.
3. The Department shall supplement the Claimant for any FIP benefits the Claimant is otherwise entitled to receive, based on the Department's

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determination of eligibility of the Claimant ordered herein.


Lynn M. Ferris
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: September 1, 2011

Date Mailed: September 1, 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 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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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