

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.: 2011-839
Issue No.: 3004
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: December 8, 2010
Wayne County DHS (35)

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 December 8, 2010. The claimant appeared and testified. [REDACTED], FIM and [REDACTED], ES appeared for the Department.

ISSUE

Whether the Claimant is entitled to retroactive FIP Cash Assistance based on a FIP application dated June 1, 2010?

FINDINGS OF FACT

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

1. The claimant currently is a recipient of FIP benefits based upon an application which she filed in October 2010.
2. At the hearing, the claimant testified that she filed an application for cash assistance on June 1, 2010. The claimant testified that on June 1st she filed an application for FIP Cash Assistance, and a verification checklist which she dropped in the drop-off box. The claimant handed her FIP application directly to the receptionist at the front desk, and filed another (second) FIP application at the same time and dropped it in her current worker's box.
3. The Claimant filed two FIP applications on June 1, 2010, so she had a back up as she was in dire need of assistance.

4. The claimant further testified that the receptionist at the front desk that date was in very negative mood. After filing the FIP application the Claimant called her assigned worker for several weeks, every week, inquiring as to the status of her FIP application. She did not receive a response back.
5. The department has no record of receiving either of the claimant's applications for FIP which she filed on June 1, 2010.
6. The department credibly testified that applications can get lost, and that during the period when the application was filed the Schoolcraft office was moving to the Redford office location. The department further confirmed that there were documents that were misplaced during this period and that the application could have been lost.
7. The claimant, for her part, indicated that she did not reapply until October 2010 as she was in the process of losing her home and facing much hardship.
8. The claimant made a very credible witness.
9. The sign in sheet offered as an exhibit by the department at the hearing, collaborated the claimant's testimony that she filed a verification checklist on June 1, 2010. Exhibit 1
10. The claimant filed her request for a hearing on September 7, 2010 which was received by the department on set September 10, 2010.

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).

Based upon the record presented, the claimant seeks to have retroactive cash assistance awarded to her based upon 2 FIP applications which she filed on June 1, 2009. While the Department confirmed that it did not receive the Claimant's application, the actual journal (drop off Mail) used by claimant's to sign in when dropping off papers

confirms the Claimant's testimony that she filed a verification and handed her application to a receptionist who was in a bad mood causing her to hedge her bets and fill out another FIP application placing it directly in her current worker's drop off box. This decision was influenced by the straightforward clarity of the claimant's testimony which was collaborated by the department's drop-off mail sign in sheet. The claimant made a credible witness and it is found that she filed two applications for FIP on June 1, 2010 that were not processed by the Department. Further, the department's testimony clearly confirmed the possibility that the application had been misplaced or lost. Based upon the evidence presented at the hearing, the claimant is entitled to retroactive FIP benefits for her cash assistance case retroactive to June 1, 2010. Based upon these facts it is found that the department should have received at least one of the applications filed by the claimant on June 1, 2010 and the claimant should not be penalized.

Accordingly, based upon the foregoing facts and relevant law, it is found that the claimant is entitled to retroactive cash assistance benefits retroactive to June 1, 2010 and that the Claimant is also entitled to a supplement for the period she was otherwise entitled to receive FIP cash assistance benefits retroactive to June 1, 2010. Therefore, the Department's action denying the claimant's retroactive cash assistance is REVERSED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department's decision denying the claimant's retroactive cash assistance, retroactive to June 1, 2010 is REVERSED.

Accordingly, it is ORDERED:

1. The department shall take appropriate actions which it finds are necessary to process the claimant's FIP application as of June 1, 2010 and shall supplement the claimant for any FIP benefits she was otherwise eligible and entitled to receive retroactive to June 1, 2010.

2. The department shall, if it finds it necessary, have the Claimant file and complete another FIP application dated June 1, 2010 or may grant retroactive benefits based on the Claimant's currently active FIP case based on the October 1, 2010 FIP application.



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

Date Signed: 12/8/2010

Date Mailed: 12/8/2010

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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