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

### IN THE MATTER OF:



Reg. No.:	2
Issue No.:	1
Case No.:	
Hearing Date:	(
County:	١
Case No.: Hearing Date:	

201228754 1005

October 24, 2012 Wayne-17 County DHS

## ADMINISTRATIVE LAW JUDGE: Corey A. Arendt

# **HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claim ant's request for a hearing. After due notice, a telephone hearing was held on October 24, 2012, from Lansing, Michigan. Participants on behalf of Claimant included Participants on behalf of Department of Human Services (Department) included

### ISSUE

Did the Departm ent properly  $\boxtimes$  deny Claiman t's application  $\square$  close Claimant's case for:

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Family Independence Program (FIP)? Food Assistance Program (FAP)? Medical Assistance (MA)?

Adult Medical Assistance (AMP)?
State Disability Assistance (SDA)?
Child Development and Care (CDC)?

# FINDINGS OF FACT

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

- 1. On approximately May 1, 2012, the Claimant applied for FIP benefits.
- 2. On or around May 1, 2012, the Department sent the Claimant a ori entation notice. The notice indic ated the Claimant had unt il June 26, 2012 to attend a WF/JET orientation.
- 3. On approximately June 24, 2012 or J une 25, 2012, the Claimant called her worker and indicated she would not be able to a ttend the scheduled WF/JET orientation. The worker told the Claimant there was nothing that could be done.
- 4. On July 14, 2012, the Department denied the Claimant's FIP application for failing to attend the WF/JET orientation by June 25, 2012.

### CONCLUSIONS OF LAW

Department policies are contained in the Br idges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The FIP was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq*. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq*., and 1999 AC, R 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

In this case, the Department did not hav orientation and could not explain the se application denial. F urthermore, the Claim ant indicated she timely notified her worker that the orientation date needed to be re However, the Department did not make any changes and did not assist the Claimant in attending the scheduled appointment or a future appointment.

Based upon the abov e Findings of Fact and Co nclusions of Law, and for the reasons stated on the record, I find the Department improperly denied the Claimant's FIP application.

# **DECISION AND ORDER**

I find, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Department did not act properly.

Accordingly, the Department's FIP decision is **REVERSED**.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate a redetermination as to the Claimant's eligib ility for FIP benefits beginning May 1, 2012 and issue retroactive benefits if otherwise qualified and eligible.

<u>/s/</u>

Corey A. Arendt Administrative Law Judge For Maura Corrigan, Director Department of Human Services

Date Signed: October 24, 2012

Date Mailed: October 25, 2012

**NOTICE**: Michigan Administrative Hearing Syst em (MAHS) 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 Dec ision and Order. MAHS will not or der a rehearing or reconsideration on the Department's mo tion where the final decis ion cannot be implemented within 90 days of the filing of the original request. (60 days for FAP cases)

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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing <u>MAY</u> be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration <u>MAY</u> be granted for any of the following reasons:
- misapplication of manual policy or law in the hearing decision,
- typographical errors, math ematical error, or other obvious errors in the he aring decision that effect the substantial rights of the claimant:
- the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at Michigan Administrative hearings

Re consideration/Rehearing Request P. O. Box 30639 Lansing, Michigan 48909-07322

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