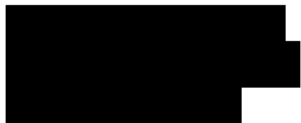


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 201265552
Issue No: 1005
Case No: [REDACTED]
Hearing Date: October 24, 2012
Genesee County DHS #2

ADMINISTRATIVE LAW JUDGE: Christopher S. Saunders

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 October 24, 2012. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly deny the claimant's Family Independence Program (FIP) application for failure to submit the requested verifications?

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 submitted an application for FIP benefits on May 2, 2012.
2. On May 24, 2012, the claimant was sent a verification checklist requesting verification of employment and earnings. (Department Exhibit 1).
3. On July 9, 2012, the claimant was sent a notice of case action (DHS 1605) stating that her FIP application was denied for failing to provide the requested verifications. (Department Exhibit 2).
4. On July 16, 2012, the claimant filed a request for hearing protesting the denial of her FIP application.

CONCLUSIONS OF LAW

As a preliminary matter, the claimant initially stated that she had requested a hearing regarding her FIP as well as Food Assistance Program (FAP) and Medical Assistance (MA) benefits. After discussing the matter, it was determined that the claimant's FAP and MA benefits had been reinstated from the date that they were closed and that the claimant had not had a lapse in benefits. The claimant then testified that she did not wish to proceed regarding her FAP and MA benefits. Accordingly, the portion of the claimant's hearing request pertaining to her FAP and MA benefits is **HEREBY DISMISSED**.

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1)

Clients have the right to contest a department decision affective eligibility for benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

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 (DHS or department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. 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 Program Reference Manual (PRM).

In the case at hand, the department representative testified that it appeared that information regarding the requested verifications was available to the department at the time the application was denied. The department representative testified that it appeared that the application should not have been denied for a lack of verification. Accordingly, the department representative testified that the department was willing to reprocess the claimant's May 2, 2012 FIP application and issue benefits accordingly if the claimant is found to be otherwise eligible. The claimant testified that she felt that this course of action was appropriate and would satisfy her need for a hearing.

MCL 24.278(2) provides a disposition may be made of a contested case by stipulation or agreed settlement. In the case at hand, the department representative testified that the department was willing to reprocess the claimant's May 2, 2012 FIP application and, if the claimant is found to be otherwise eligible, issue benefits and any retroactive benefits accordingly. The claimant agreed as to this course of action. As the parties agree as to what course of action should be taken, this matter can be resolved by stipulation.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did not properly deny the claimant's application for FIP benefits.

Accordingly, the department's actions are **REVERSED**.

It is HEREBY ORDERED that the department shall reprocess the claimant's May 2, 2012 FIP application. If the claimant is found to be otherwise eligible, the department shall issue benefits accordingly, and, if applicable, issue any past due benefits that may be due and owing.

/s/

Christopher S. Saunders
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: October 24, 2012

Date Mailed: October 25, 2012

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.

CSS/cr

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