

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

IN THE MATTER OF:



Reg. No.: 201270622
Issue No.: 1005
Case No.: [REDACTED]
Hearing Date: March 14, 2013
County: Wayne DHS (35)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on March 14, 2013, from Detroit, Michigan. Participants included the above-named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist, and [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly denied Claimant's application for Family Independence Program (FIP) benefits.

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 6/8/12, Claimant submitted a "TC-60" FIP benefit application to DHS.
2. Because of the application's TC-60 status, DHS registered the application for 2/29/12.
3. On an unspecified date, DHS received returned mail that was sent to Claimant.
4. On 7/9/12, DHS denied Claimant's TC-60 application due to returned mail.
5. On 8/6/12, Claimant requested a hearing to dispute the FIP application denial.

CONCLUSIONS OF LAW

Temporary Assistance to Needy Families (TANF), called the Family Independence Program (FIP) in Michigan, is a block grant that was established by the Social Security Act. Public Act (P.A.) 223 of 1995 amended P.A. 280 of 1939 and provides a state legal base for FIP. FIP policies are also authorized by the Code of Federal Regulations (CFR), Michigan Compiled Laws (MCL), Michigan Administrative Code (MAC), and federal court orders. Amendments to the Social Security Act by the U.S. Congress affect the administration and scope of the FIP program. The U.S. Department of Health and Human Services (HHS) administers the Social Security Act. Within HHS, the Administration for Children and Families has specific responsibility for the administration of the FIP program. DHS policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

The present case concerns the denial of a TC-60 FIP application. DHS presented testimony that Claimant's application was denied after multiple pieces of mail sent to Claimant were returned by the United States Post Office as undeliverable. DHS is not known to have a policy allowing the denial of an application directly due to returned mail. It should be noted that DHS failed to cite any policy on the Hearing Summary to support a denial for the reason provided.

DHS is to allow the client 10 calendar days (or other time limit specified in policy) to provide requested verification. BAM 130 (5/2012), p. 5. DHS is to use the DHS-3503, Verification Checklist (VCL), to request verification. *Id.*

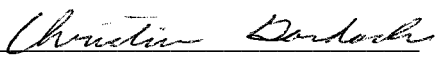
It is possible that DHS denied the application after Claimant failed to verify information following the mailing of a Verification Checklist requesting documentation. If the actual basis of denial was a failure by Claimant to verify information, DHS failed to allege what information Claimant failed to verify or that a VCL was sent to Claimant. There is zero evidence to assume that a proper denial was made. Accordingly, it is found that the denial of Claimant's FIP benefit application was improper.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's application for FIP benefits. It is ordered that DHS:

- (1) reinstate Claimant's TC-60 FIP benefit application for 2/29/12; and
- (2) initiate processing of Claimant's FIP benefit eligibility.

The actions taken by DHS are REVERSED.


Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 3/21/2013

Date Mailed: 3/21/2013

NOTICE: Michigan Administrative Hearing System (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 Decision and Order. MAHS 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. (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 **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing 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
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CG/hw

cc:

