

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

IN THE MATTER OF:



Reg. No.: 201272177
Issue No.: 1000
Case No.: [REDACTED]
Hearing Date: October 25, 2012
County: Wayne-57 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 Claimant's request for a hearing. After due notice, a telephone hearing was held on October 25, 2012, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED] [REDACTED].

ISSUE

Did the Department fail to process the Claimant's FIP applications?

FINDINGS OF FACT

I find, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On or around April 14, 2012, the Department sent the Claimant a TC-60 FIP application.
2. On August 16, 2012, the Claimant requested a hearing.
3. The Department has no record of the Claimant submitting any applications in the last year other than a June 2012 State Emergency Relief (SER) application.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges 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.

A request for assistance may be in person, by mail, telephone, email or online. The requester has the right to receive the appropriate application form. Local offices must assist clients who need and request help to complete the application forms. Any person, regardless of age, or their authorized representative (AR) may apply for assistance. The date of application is the date the local office receives the required minimum information on an application or the filing form. Record the date of application on the application or filing form. (BAM 110).

An application or filing form, with the minimum information, must be registered on Bridges **unless** the client is already active for that program(s). Requests for assistance may be oral or written. Those containing enough identifying information may be registered. Register a signed application or filing form, with the minimum information, within **one workday** for all requested programs. (BAM 110).

In this case, the Claimant was unable to show any proof that she had completed and submitted any FIP applications in the prior year. The Department witnesses went into great detail regarding how the Department processed the TC-60 applications and indicated the Department had no record of any FIP applications turned in by the Claimant covering the past 8 months.

Therefore, I find the Claimant did not turn in any FIP applications as alleged and consequentially the Department had no duty to act.

MAC 400.903 lays out instances where recipients of assistance have a right to an administrative hearing within the Michigan DHS. This rule specifies when an opportunity for a hearing shall be granted:

An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by an agency action resulting in suspension, reduction, discontinuance, or termination of assistance. MAC 400.903(1).

Since, I could not find any evidence that the Claimant made a claim for assistance and further the Department had no duty to act; I find the Claimant is not entitled to a hearing in accordance with MAC 400.903(1).

DECISION AND ORDER

Claimant's hearing request is **HEREBY DISMISSED** in accordance with MAC 400.903(1).

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

Date Signed: October 26, 2012

Date Mailed: October 26, 2012

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

CAA/las

cc:

