

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

IN THE MATTER OF:



Reg. No: 201234178
Issue No: 1000
Case No: [REDACTED]
Hearing Date: April 4, 2012
Kalamazoo County DHS

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 April 4, 2012. The claimant personally appeared and provided testimony.

ISSUES

Whether the department properly denied the claimant's application for Family Independence Program (FIP) benefits?

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 Family Independence Program (FIP) benefits on August 29, 2011.
2. On September 1, 2011, the claimant's application was denied and notice of said denial was sent to the claimant.
3. The claimant filed a hearing request on October 31, 2011, protesting the denial of her FIP application.

CONCLUSIONS OF LAW

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 the claimant's application was denied because the department thought that she was receiving benefits from the state of Pennsylvania up until September 6, 2011. It was later discovered that the claimant was not in fact receiving those benefits from the state of Pennsylvania. The department attempted to reprocess the claimant's application as of the original application date but was unable to do so. The department representative testified that the proper action to take would be to re-determine the claimant's eligibility as of the original date of her application (August 29, 2011) and if the claimant is found to be otherwise eligible, to issue benefits in accordance with policy. The department representative further testified that he was of the opinion that the claimant would in fact be eligible for FIP benefits as of the date of application. The claimant agreed that this was the appropriate course of action for the department to take and stated that if the department took this course of action, it would alleviate 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 re-determine the claimant's eligibility as of the original date of her application (August 29, 2011) and if the claimant is found to be otherwise eligible, to issue benefits in accordance with policy. The claimant agreed with this course of action. Therefore, the parties agree as to what the proper course of action to be taken in this matter should be. Because both parties agree as to what action should be taken to resolve the issue, this action may be disposed of 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 FIP application on August 29, 2011.

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

It is HEREBY ORDERED that the department shall reprocess the claimant's FIP application as of August 29, 2011. If the claimant is found to be otherwise eligible, the department shall instate benefits in accordance with policy and, if applicable, issue any past due benefits due and owing that the claimant is otherwise eligible to receive.

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

Date Signed: April 9, 2012

Date Mailed: April 9, 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.

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