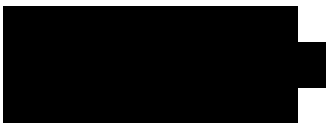


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 201234513
Issue No.: 1000
Case No.: [REDACTED]
Hearing Date: October 31, 2012
County: Wayne-49 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 31, 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 properly deny the Claimant's TC-60 application?

FINDINGS OF FACT

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

1. On approximately May 29, 2012, the Claimant submitted a TC-60 application.
2. On or around May 29, 2012, the Department denied the Claimant's TC-60 application.
3. On or around May 29, 2012, the Claimant requested a hearing in dispute of the TC-60 application denial.

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).

Testimony and other evidence must be weighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007). Moreover, the weight and credibility of this evidence is generally for the fact-finder to determine. *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997). In evaluating the credibility and weight to be given the testimony of a witness, the fact-finder may consider the demeanor of the witness, the reasonableness of the witness's testimony, and the interest, if any, the witness may have in the outcome of the matter. *People v Wade*, 303 Mich 303 (1942), *cert den*, 318 US 783 (1943).

I have carefully considered and weighed the testimony and other evidence in the record and find the documents provided by the department, to be unper suasive. Not a single document in the hearing packet addresses the TC-60 application denial. Furthermore, the hearing packet does not contain the applicable hearing request or notice of case action.

Accordingly, I find, based on the competent, material, and substantial evidence presented during the hearing, the department did not act in accordance with policy in denying the Claimant retroactive TC-60 FIP application.

Accordingly, I find evidence to reverse the Department's actions.

DECISION AND ORDER

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

Accordingly, the Department's 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 eligibility for TC-60 FIP benefits beginning May 29, 2012 and issue retroactive benefits if otherwise qualified and eligible.

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

Date Signed: November 1, 2012

Date Mailed: November 2, 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.

201234513/CAA

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

CAA/las

cc:

