

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201254376
Issue No.: 1015
Case No.: [REDACTED]
Hearing Date: June 21, 2012
County: Wayne DHS (41)

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 June 21, 2012 from Detroit, Michigan. Participants included the above named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Manager, and [REDACTED], Specialist.

ISSUE

The issue is whether DHS processed Claimant's FIP benefit eligibility based on a proper application date.

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 4/2/12, Claimant submitted a FIP benefit application to DHS.
2. DHS registered Claimant's application as being received on 4/17/12.
3. On 5/15/12, DHS denied Claimant's application for FIP benefits.
4. On 5/21/12, Claimant requested a hearing to dispute the denial of FIP benefits.
5. DHS subsequently issued FIP benefits for the pay period effective 5/16/12, based on an application submission date of 4/17/12.

CONCLUSIONS OF LAW

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.* DHS administers the FIP pursuant to MCL 400.10, *et seq* and MAC R 400.3101-3131. DHS policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

Claimant originally requested a hearing concerning a denial of a FIP benefit application. It was not disputed that DHS reinstated Claimant's FIP benefit application and approved Claimant for FIP benefits effective the pay period beginning 5/16/12. Claimant contended that DHS should have issued additional FIP benefits. The dispute hinges on when DHS received Claimant's application; this was a disputed issue.

Claimant contended that she submitted the application to DHS on 4/2/12. In a Hearing Summary, DHS stated that the application date was 4/10/12. A check of the DHS database revealed that DHS officially registered the application as being received on 4/17/12. The issue was resolved by a check of the original application. DHS conceded that a different DHS office received Claimant's application on 4/2/12 and that 4/2/12 was the proper registration date for the application.

A FIP benefit pay period is either the first through the 15th day or the 16th through the last day of the month. BAM 400 at 1. Provided the group meets all eligibility requirements, DHS is to begin assistance in the pay period in which the application becomes 30 days old. BAM 115 at 20.


Based on a 4/2/12 application date, the 30th day following the application falls on 5/2/12. The pay period including 5/2/12 is the pay period for which Claimant was first eligible for FIP benefits. It is found that Claimant is entitled to FIP benefits for the first pay period of 5/2012.

DECISION AND ORDER

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

- (1) register Claimant's application for FIP benefits for 4/2/12;
- (2) process Claimant's FIP benefit eligibility for the first pay period of 5/2012, subject to the finding that Claimant applied for FIP benefits on 4/2/12; and
- (3) supplement Claimant for any FIP benefits not received as a result of the previously incorrect application registration date.

The actions taken by DHS are REVERSED.


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

Date Signed: June 27, 2012

Date Mailed: June 27, 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 to:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CG/hw

cc:

