

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201258679  
Issue No.: 1002  
Case No.: [REDACTED]  
Hearing Date: July 19, 2012  
County: Wayne DHS (19)

**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 July 19, 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 properly denied Claimant's application for Family Independence Program (FIP) benefits based on Claimant's withdrawal of her application.

**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 an unspecified date, Claimant applied for FIP benefits.
2. Claimant informed DHS that she should be deferred from Work Participation Program (WPP) participation because of an obligation to care for her disabled spouse and two children.
3. On 5/24/12, Claimant submitted three medical documents concerning her basis for disability.
4. DHS informed Claimant that the submitted medical documents were not received.

5. DHS also informed Claimant that she was required to attend WPP until a decision was made on a WPP deferral.
6. On an unspecified date, Claimant told a DHS representative that she wished to withdraw her FIP benefit application.
7. On 6/6/12, DHS denied Claimant's FIP benefit application based on Claimant's FIP benefit application withdrawal.
8. On 6/11/12, Claimant requested a hearing to dispute the FIP benefit denial and a failure by DHS to process Food Assistance Program (FAP) benefits for 6/2012.
9. Claimant has no current FAP benefit dispute.

### **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 Family Independence Program (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 Mich Admin Code, R 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

The present case concerned a denial of a FIP benefit application. The basis for the application denial was a withdrawal of the application by Claimant. Claimant conceded that she told a DHS representative that she wished to withdraw her FIP benefit application. Despite her withdrawal, Claimant requested a hearing to essentially revoke her application withdrawal.

An adequate notice is a written notice sent to the client at the same time an action takes effect (not pended). BAM 130 at 4. Adequate notice is given for a denial of an application. *Id.* Thus, when DHS denies an application on Bridges, their database, the application is immediately denied. Clients who withdraw an application should not have an expectation to re-pursue a previously submitted application should they change their mind. This policy is very persuasive evidence that Claimant is not entitled to a reinstatement of her FIP benefit application.

An implied requirement of a withdrawal of an application is that the withdrawal be informed and voluntary. There was evidence suggesting that Claimant's application withdrawal was based on misinformation by DHS. Claimant was seeking a deferral from WPP participation based on an alleged need to care for her disabled spouse and teenage children. The testifying DHS specialist informed Claimant that Claimant was

required to attend Work Participation Program (WPP) until Claimant was approved for a deferral from WPP participation. No such DHS regulation is known to exist.

It was also not disputed that DHS failed to evaluate Claimant's basis for deferral because Claimant allegedly failed to submit medical documents concerning her family's needs. Claimant presented DHS with three Medical Needs forms which had a DHS date stamp. A DHS date stamp is very persuasive evidence that the documents were submitted to DHS. Further, the documents had a 5/24/12 date stamp which tends to verify a submission date long before Claimant withdrew her FIP benefit application. Thus, the DHS failure to evaluate Claimant for a WPP deferral was only due to DHS negligence, not Claimant's application withdrawal.

Generally, a client's statement to DHS requesting withdrawal of an application is not something that can be or should be revoked. The present case presented circumstances justifying an exception to the general rule. The misinformation by DHS and failure by DHS to consider Claimant's basis for deferral contributed to Claimant's decision to withdraw her application. It is not known whether Claimant should be deferred from WPP, but it is found that Claimant is entitled to a deferral decision despite her subsequent application withdrawal.

It should be noted that DHS could not identify Claimant's date of FIP benefit application; thus, the below order cannot cite a specific application date. DHS conceded that whatever the date of application, Claimant's benefit eligibility would be affected from 2/29/12.

### **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 FIP benefit application. It is ordered that DHS:

- (1) reinstate Claimant's FIP benefit application from an unstated date; and
- (2) make a decision based on Claimant's submitted medical documents concerning WPP deferral.

The actions taken by DHS are REVERSED.



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

Date Signed: July 25, 2012

Date Mailed: July 25, 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:

