

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

IN THE MATTER OF:



Reg. No: 201268832
Issue No: 1005
Case No: [REDACTED]
Hearing Date: January 23, 2013
Genesee County DHS #2

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 January 23, 2013. The claimant personally appeared and provided testimony.

ISSUE

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 applied for FIP benefits.
2. On May 22, 2012, the claimant was sent a DHS 1538 (Work and Self Sufficiency Rules) form to be completed and signed and returned to the department by June 1, 2012.
3. The signed DHS 1538 was not received by the department by the due date.
4. On July 10, 2012, the department sent the claimant a notice of case action (DHS 1605) stating that her FIP application was denied because the signed DHS 1538 was not returned. (Department Exhibit 5).
5. On July 31, 2012, the claimant filed a request for hearing 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 Bridges Reference Manual (BRM).

In order for the department to determine eligibility for benefits, department policy states that there must be certain minimum requirements met by the claimant in relation to completing the application. BAM 115. Specifically for FIP benefits, policy states that a DHS 1538 must be signed by all adult mandatory group members before eligibility can be approved. BAM 115.

In this case, the department sent the claimant a DHS 1538 to be completed and returned to the department. The claimant testified that she never received the form, but there was a DHS 1538 returned to the department (albeit unsigned) on May 31, 2012 (see Department Exhibit 4). Therefore, because the department did not receive a signed DHS 1538 by the due date, the department denied eligibility. Policy clearly states that eligibility cannot be approved until a signed DHS 1538 has been received. As the department did not receive the signed DHS 1538 by the due date, the department properly denied the claimant's application for FIP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did properly deny the claimant's application for FIP benefits.

Accordingly, the department's actions are **AFFIRMED**. It is SO ORDERED.

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

Date Signed: January 30, 2013

Date Mailed: January 31, 2013

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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