

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201312452  
Issue No.: 1000; 1002; 1015  
Case No.: [REDACTED]  
Hearing Date: January 9, 2013  
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, an in-person hearing was held on January 9, 2013 from Inkster, Michigan. Participants included the above-named claimant. [REDACTED] appeared as Claimant's authorized hearing representative. Participants on behalf of Department of Human Services (DHS) included [REDACTED] Manager, and [REDACTED], Specialist.

**ISSUES**

The first issue is whether Claimant is entitled to a remedy for a DHS failure to meet the standard of promptness in processing Claimant's application requesting Family Independence Program (FIP) benefits.

The second issue is whether DHS registered Claimant's application for the proper date and processed FIP benefits accordingly.

The third issue is whether Claimant is entitled to an administrative decision to determine whether she should be deferred from participating with the Work Participation Program (WPP).

**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 8/22/12, Claimant reported a change in address to DHS.
2. On 9/14/12, Claimant applied for FIP benefits.

3. Claimant requested that she not attend WPP because of various circumstances, one of which was that she was residing in a homeless shelter.
4. On an unspecified date, DHS denied Claimant's request for WPP deferral.
5. On 11/8/12, Claimant requested a hearing to dispute the failure by DHS to process her FIP benefit application and the DHS denial of WPP deferral.
6. On an unspecified date, Claimant became an ongoing WPP participant.
7. On an unspecified date in 11/2012, DHS processed Claimant's eligibility for FIP benefits based on an application date of 9/27/12.

### **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).

During the hearing, Claimant spent several minutes expressing her dissatisfaction with the time that DHS took to process her FIP benefit eligibility. For FIP benefits, DHS is to certify program approval or denial of the application within 45 days. BAM 115 (5/2012), p. 12. The timeframe DHS has to process application is internally referred to as a "standard of promptness".

There was a dispute whether Claimant applied for FIP benefits on 8/22/12, 9/14/12 or 9/27/12; that dispute will be addressed below. It was not disputed that DHS failed to meet the 45 day standard of promptness no matter which application date is used. The remedy for a DHS failure to meet an application standard of promptness is for DHS to process the application. In the present case, DHS approved Claimant for FIP benefits prior to the hearing. Claimant is not entitled to any other administrative remedy. Concerning this issue, Claimant's hearing request will be dismissed because no administrative remedy may be ordered.

Claimant also raised a dispute concerning when she applied. The date of application matters because it may affect the amount of benefits issued to Claimant.

Claimant contended that she applied for FIP benefits on 8/24/12, the same time when she performed an online address change. As proof of her application, Claimant presented documentation. Claimant's documentation verified that Claimant performed an address change but failed to verify that she applied for FIP benefits. It is found that Claimant failed to verify that she applied for FIP benefits on 8/24/12.

DHS conceded that Claimant applied for FIP benefits on 9/14/12. Despite the concession, DHS presumably registered Claimant's application for 9/27/12. The presumption is based on a DHS issuance of FIP benefits beginning 10/16/12.

Provided the group meets all eligibility requirements, DHS is to begin assistance in the pay period in which the FIP application becomes 30 days old. BAM 115 (5/2012), p. 20. If the application becomes 30 days old and the group has not met eligibility requirements, DHS is to begin assistance for the first pay period when it does. *Id.*

There was no evidence that Claimant failed to meet FIP benefit eligibility requirements for 9/2012 or 10/2012. Based on Claimant's FIP benefit application date of 9/14/12, she should have received FIP benefits effective 10/1/12, the beginning of the pay period in which Claimant's application became 30 days old. Thus, Claimant is entitled to FIP benefits for the period of 10/1/12-10/16/12. It was not disputed that Claimant was eligible for \$597/month in FIP benefits, paid in two payments of \$298.50 per month. Thus, Claimant is entitled to a \$298.50 supplement for the period of 10/1/12-10/15/12.

Claimant raised a third issue disputing whether she should have to attend WPP to continue receiving FIP benefits. DHS regulations determine when a hearing may be granted. The Michigan Administrative Hearing System may grant a hearing about any of the following:

- denial of an application and/or supplemental payments;
- reduction in the amount of program benefits or service;
- suspension or termination of program benefits or service
- restrictions under which benefits or services are provided;
- delay of any action beyond standards of promptness; or
- the current level of benefits or denial of expedited service (for Food Assistance Program benefits only).

BAM 600 (8/2012), p. 3.


DHS policies also address the appropriateness of Claimant's specific dispute concerning WPP deferral. When a deferral is not granted, it is not a loss of benefits, termination or negative action. BEM 230A (12/2011), p. 16. When a client requests a hearing based on not being granted a deferral, be sure to advise the client at the pre-hearing conference and use the DHS-3050, Hearing Summary, to inform the administrative law judge the action did not result in a loss of benefits or services. *Id.* Be sure the client understands that the right time to file a hearing is once he/she receives a notice of negative action for noncompliance. *Id.*

Based on the above policy and facts, Claimant is not entitled to an administrative decision addressing whether she should be deferred from WPP participation. If Claimant fails to attend WPP and DHS takes adverse action on Claimant's benefit eligibility, then Claimant may raise the issue of having good for not attending WPP. In the present case, Claimant suffered no adverse action to her benefit eligibility. Claimant's hearing request will be dismissed concerning this issue.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS Claimant is not entitled to a remedy for the DHS failure to meet the FIP application standard of promptness. It is further found that Claimant is not entitled to an administrative decision concerning whether she should be deferred from WPP participation. Claimant's hearing request is PARTIALLY DISMISSED.

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly processed Claimant's eligibility for FIP benefits. It is ordered that DHS supplement Claimant for \$298.50 in FIP benefits to cover the period of 10/1/12-10/15/12 based on Claimant's application date of 9/14/12. The actions taken by DHS are PARTIALLY REVERSED.

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

Date Signed: January 15, 2013

Date Mailed: January 15, 2013

**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.

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Request must be submitted through the local DHS office or directly to MAHS by mail at:

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

CG/hw

cc:

