

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

IN THE MATTER OF:



Reg. No.: 2013-16969
Issue No.: 1080
Case No.: [REDACTED]
Hearing Date: May 2, 2013
County: Wayne (82-43)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 May 2, 2013, from Detroit, Michigan. Participants included the above-named Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] [REDACTED] [REDACTED] [REDACTED].

ISSUE

Whether Claimant is entitled to Family Independence Program (FIP) benefits from February 2012 through June 2012?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Claimant's TC-60 application was registered on June 7, 2012, and was processed on July 23, 2012.
2. On December 4, 2012, Claimant requested a hearing stating that she is entitled to FIP benefits from November 2011 through June 2012. Exhibit 1.

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, 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 Rule

400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

In this case, Claimant's TC-60 application was registered on June 7, 2012, and not for February 29, 2012. The application was processed on July 23, 2012. The Department provided an Eligibility Summary indicating Claimant received no FIP benefits prior to July 1, 2012. Exhibit 2. Claimant is disputing that, due to a mailing issue and not receiving Department correspondence, she is entitled to FIP benefits from November of 2011 through June of 2012.

At the hearing, Claimant testified that her Department mail was being sent to the wrong address from October of 2011 through June of 2012. Because the mail was being sent to the wrong address during this time period, Claimant testified that she never received the Department correspondence that stated she could apply for the TC-60 application and receive back pay benefits. Thus, Claimant was requesting benefits from November of 2011 through June of 2012.

The Department testified that Claimant had the same current address since September of 2011 and it had never changed. However, Claimant testified that she spoke to her previous caseworker in June of 2012 and she testified that her caseworker stated she had two profiles and that her Department correspondence was being sent to the wrong address. Based on this information, Claimant testified that she, therefore, applied on June 7, 2012, to receive the back pay because she never received any such notice of the TC-60 packet application. Additionally, Claimant testified that the caseworker entered a help desk ticket to correct the address issue. Claimant was unable to provide any previous correspondence showing the wrong address at the hearing.

The Department did acknowledge at the hearing that Claimant had multiple profiles; however, each profile had the same current address. The Department was unable to provide a copy of the help desk ticket referral.

Based on the foregoing information and evidence, the Department erred in not reprocessing Claimant's TC-60 application as of February 29, 2012, due to Department error. First, Claimant is requesting FIP benefits dating back to November of 2011 through June of 2012. However, Claimant did not file a timely request for hearing regarding FIP benefits for the time period of November of 2011 through February of 2012. Thus, Claimant is not entitled to FIP benefits for the time period of November 2011 through September of 2012, based on an untimely filing. Mich Admin Code, R 400.901 through R 400.951; BAM 600 (October 2012), p. 4. Second, the Eligibility Summary does indicate that Claimant received benefits from July 1, 2012, ongoing. Thus, Claimant is only entitled to benefits from February 29, 2012, through June of 2012. Exhibit 2. Even though the Department indicated that the system showed the same address, the Hearing Summary record inputted by a different caseworker acknowledges some form of Department error. The Department was unable to provide a copy of the help desk ticket. Moreover, none of the previous caseworkers were present to rebut Claimant's testimony. The Hearing Summary record clearly indicates

that a help desk ticket was entered to correct a problem for Claimant. Claimant credibly testified that she did not receive Department correspondence relating to the TC-60 application for back pay benefits. Thus, the Department erred in not reprocessing Claimant's TC-60 application as of February 29, 2012, due to Department error.


DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated above and on the record, finds that the Department did act properly. did not act properly.

Accordingly, the Department's AMP FIP FAP MA SDA decision is AFFIRMED REVERSED for the reasons stated above and on the record.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Begin reprocessing Claimant's TC-60 application as of February 29, 2012;
2. Begin issuing supplements to Claimant for any FIP benefits she was eligible to receive but did not based on the February 29, 2012, application through June of 2012; and
3. Notify Claimant in writing of its decision in accordance with Department policy.


Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 8, 2013

Date Mailed: May 9, 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.

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

EJF/pf

cc:

