

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201322595
Issue No.: 1021
Case No.: [REDACTED]
Hearing Date: May 13, 2013
County: Wayne (76)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 13, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] Medical Contact Worker.

ISSUE

Did the Department properly process Claimant's November 16, 2012 application for Family Independence Program (FIP) benefits?

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 November 16, 2012, Claimant applied for cash assistance.
2. Claimant has three minor children.
3. On December 21, 2012, the Department sent Claimant a Notice of Case Action informing her that her application was denied because one daughter was not eligible because she received supplemental security income (SSI) benefits.
4. On January 7, 2013, Claimant filed a request for hearing, disputing the Department's denial of her application.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), and Department of Human Services 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 State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3151 through R 400.3180.

Additionally, on November 16, 2012, Claimant applied for cash assistance. Claimant indicated that, because she was disabled and could not participate in a work participation program, she wanted to apply for State Disability Assistance (SDA) rather than Family Independence Program (FIP) benefits even though she had minor children in the home. The Department asked that she submit medical documentation concerning her disability.

On December 21, 2012, the Department sent Claimant a Notice of Case Action denying her application for cash assistance. The worker at the hearing contended that the denial was a denial of Claimant's application for SDA because Claimant, who had minor children in the home, was not eligible for SDA, only for FIP. However, the Notice states that the reason the cash assistance application was denied for all group members was because one of Claimant's daughter was receiving SSI income.

Department policy provides that the income, assets and needs of an SSI recipient are not considered in determining the group's eligibility for FIP. BEM 210 (October 2011), p 6. Cash assistance for the SSI child should be requested even though the child will not be in the FIP certified group, but the child will have a FIP EDG participation status of Other Child. BEM 210, p 6.


In this case, Claimant acknowledged that one of her children was receiving SSI. She also credibly testified that she had two other minor children in the home. Based on these facts, the Department did not act in accordance with Department policy when it denied Claimant's FIP application on the basis that one of her children was receiving SSI. However, during the course of the hearing, the Department presented evidence that Claimant had been approved for FIP benefits for a household size of three (Claimant and the two children not receiving SSI) from December 16, 2012, ongoing.

While there was evidence by the Department that Claimant had not timely submitted medical documents, there was also evidence that Claimant had ongoing FIP benefits, and Claimant acknowledged receiving ongoing FIP benefits. Under these facts, the Department remedied its error in initially denying the cash assistance application.

Claimant is advised that she can request a hearing if the Department takes any future negative action concerning her FIP case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department corrected any error in processing Claimant's November 16, 2012 cash assistance application. Accordingly, the Department's decision is AFFIRMED.


Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 5/22/2013

Date Mailed: 5/22/2013

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.

201322595/ACE

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

ACE/hw

cc:

