

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201323241
Issue No.: 1000, 1010
Case No.: [REDACTED]
Hearing Date: May 9, 2013
County: Wayne DHS (76)

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 May 9, 2013, from Detroit, Michigan. Participants included the above-named Claimant, [REDACTED], Claimant's mother, testified on behalf of Claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly determined Claimant's Family Independence Program (FIP) eligibility for 6/2012-8/2012.

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 was an ongoing FIP benefit recipient.
2. For unspecified reasons, DHS issued FIP benefits to Claimant for 7/2012, but not for 6/2012.
3. On 7/9/12, DHS mailed Claimant a Notice of Case Action terminating Claimant's FIP benefit eligibility, effective 8/2012, for unspecified reasons.
4. On 12/28/12, Claimant requested a hearing to dispute an alleged DHS failure to issue FIP benefits to Claimant for 6/2012-8/2012.

CONCLUSIONS OF LAW

The Family Independence Program (FIP) is a block grant that was established by the Social Security Act. Public Act (P.A.) 223 of 1995 amended P.A. 280 of 1939 and provides a state legal base for FIP. FIP policies are also authorized by the Code of Federal Regulations (CFR), Michigan Compiled Laws (MCL), Michigan Administrative Code (MAC), and federal court orders. Amendments to the Social Security Act by the U.S. Congress affect the administration and scope of the FIP program. The U.S. Department of Health and Human Services (HHS) administers the Social Security Act. Within HHS, the Administration for Children and Families has specific responsibility for the administration of the FIP program. DHS policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

Claimant testified that she requested a hearing to dispute a DHS failure to issue her FIP benefits for 6/2012, 7/2012 and 8/2012. During the hearing, DHS obtained documentation verifying Claimant's FIP benefit history. The history verified that Claimant received FIP benefits for 7/2012. After viewing the document, Claimant conceded that she received FIP benefits for 7/2012 and that she has no legitimate dispute concerning 7/2012 FIP benefit eligibility.

DHS also obtained evidence that Claimant's FIP benefits were terminated effective 8/2012. It was verified that DHS mailed a Notice of Case Action to Claimant on 7/9/12. The client, or authorized hearing representative, has 90 calendar days from the date of the written notice of case action to request a hearing. BAM 600 (5/2010), p. 4. Claimant requested a hearing to dispute 8/2012 FIP benefit eligibility on 12/28/12, more than 90 days after 7/9/12. Claimant's hearing request was untimely to dispute 8/2012 FIP benefit eligibility.

Claimant also disputed a lack of FIP benefits from 6/2012. No evidence was presented that DHS mailed Claimant written notice concerning 6/2012 eligibility. Without a written notice, Claimant's hearing request cannot be untimely. Thus, a substantive analysis concerning Claimant's FIP benefit eligibility from 6/2012 may be undertaken.

As noted above, on 7/9/12, DHS terminated Claimant's FIP benefit eligibility, effective 8/2012. It was presumed that Claimant was an active FIP benefit recipient as of 6/2012. As an active recipient, it would be expected that Claimant would receive FIP benefits. DHS failed to provide any basis for not issuing FIP benefits to Claimant for 6/2012. Based on the presented evidence, Claimant is entitled to a FIP benefit determination for 6/2012.

DECISION AND ORDER


The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS issued FIP benefits to Claimant for 7/2012 and that Claimant

failed to timely request a hearing concerning 6/2012 FIP benefit eligibility. 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 failed to issue FIP benefits to Claimant for 6/2012. It is ordered that DHS:

- (1) determine Claimant's FIP benefit eligibility for 6/2012; and
- (2) supplement Claimant for any FIP benefits not issued in error.

The actions taken by DHS are REVERSED.



Christian Gardocki
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.

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:

