

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

IN THE MATTER OF:



Reg. No.: 201326990
Issue No.: 1021; 6019
Case No.: [REDACTED]
Hearing Date: May 22, 2013
County: Wayne (31)

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 22, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Family Independence Specialist/JET Worker.

ISSUE

Did the Department properly deny Claimant's applications for Family Independence Program (FIP) and Child Development and Care (CDC) 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. Claimant applied for FIP and CDC benefits in May 2012 and September 2012.
2. The Department denied the May 2012 application in August 2012.
3. The Department did not process the September 2012 application.
4. On October 31, 2012, Claimant filed a request for hearing disputing the Department's actions.

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 Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001 through R 400.5015.

Additionally, Claimant requested a hearing concerning her FIP and CDC applications. At the hearing, Claimant credibly testified that she applied for FIP and CDC benefits in May 2012, informing the Department that she was employed, and reapplied in September 2012, shortly after the Department notified her in August 2012 that her May 2012 application was denied. Claimant did not receive any response to the September 2012 application.

At the hearing, the Department could not identify when Claimant had applied for CDC and FIP benefits and did not present any notices of case action concerning the application denials. The Department's hearing summary addressed only Claimant's CDC application, indicating that Claimant was not eligible for CDC benefits because she was a two-parent household with no reported employment or work program participation. However, Claimant credibly testified that she lived alone with her child and had never lived with the child's father. She also credibly testified that she was employed. The Department presented no evidence to refute Claimant's testimony. The Department did not address the reason for its denial of Claimant's FIP case. Because the Department's evidence did not support the denial of Claimant's May 2012 FIP and CDC application or the processing of her September 2012 FIP and CDC application, the Department has failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Claimant's May 2012 application and processed her September 2012 application.

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 did not satisfy its burden of showing that it acted in accordance with Department policy when it denied Claimant's May 2012 FIP and CDC application and processed Claimant's October 2012 FIP and CDC application.

Accordingly, the Department's decision is REVERSED.

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

1. Reregister Claimant's May 2012 and September 2012 FIP and CDC applications;
2. Begin reprocessing the applications in accordance with Department policy;
3. Issue supplements to Claimant for any FIP benefits she was eligible to receive from May 2012, ongoing;
4. Issue supplements to Claimant's provider, for CDC services rendered and billed in accordance with Department policy, for any CDC benefits Claimant was eligible to receive from May 2012, ongoing; and
5. Notify Claimant in writing of its decision in accordance with Department policy.



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

Date Signed: 5/31/2013

Date Mailed: 5/31/2013

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

ACE/hw

cc:

