

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201334576
Issue No: 1010, 1022
Case No: [REDACTED]
Hearing Date: April 11, 2013
Muskegon County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne D. Sonneborn

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing received by the Department of Human Services (department) on February 25, 2013. After due notice, a telephone hearing was held on April 11, 2013 at which Claimant appeared and provided testimony. The department was represented by [REDACTED], a family independence manager, and [REDACTED], a family independence specialist, both with the department's Muskegon County office.

ISSUE

Whether the department properly determined Claimant's eligibility for Family Independence Program (FIP) benefits?

FINDINGS OF FACT

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

1. Claimant was a recipient of FIP benefits at all times relevant to the hearing.
2. In August 2012, Claimant was married and reported to the department the addition of her husband to her FIP group. However, due to a computer error, the department was unable to process the addition of Claimant's husband to Claimant's FIP group
3. On or about February 2013, the department submitted a Help Desk remedy ticket request (#BR0007269) to correct the computer error that was denying the processing of Claimant's increased FIP household membership and the issuance of any supplemental FIP benefits to

Claimant for August 1, 2012 through January 31, 2013, to which Claimant may be entitled. (Department Hearing Summary)

4. On February 25, 2013, Claimant requested a hearing, protesting the department's ongoing failure to correctly process Claimant's increased FIP household membership and issue Claimant any supplemental FIP benefits to which she may be entitled. (Hearing Request)

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in sections 400.901 to 400.951 of the Michigan Administrative Code (Mich Admin Code). An opportunity for a hearing shall be granted to an applicant who requests a hearing because her claim for assistance has been denied. Mich Admin Code R 400.903(1). Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. Department of Human Services Bridges Administrative Manual (BAM) 600 (2011), p. 1.

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.* The department administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

For purposes of establishing group composition and eligibility for FIP benefits, department policy provides that, to be eligible for FIP, both of the following must be true:

- The group must include a dependent child who lives with a legal parent, stepparent or other qualifying caretaker.
- The group cannot include an adult who has accumulated more than 60 TANF funded months, beginning October 1, 1996 or any other time limits in the Family Independence Program; see BEM 234. BEM 210.

A caretaker is a legal parent or stepparent living in the home, or when no legal parent or stepparent lives in the home, another adult, including but not limited to a grandparent, who acts as a parent to a dependent child by providing physical care and supervision. BEM 210.

When cash assistance is requested for a dependent child, or a dependent child is a mandatory FIP EDG member, all of the following individuals who live together are in the FIP EDG:

- Dependent Child.
- Child's legal parent(s).
- Child's legal siblings who meet the definition of a dependent child (siblings have at least one legal parent in common).
- Legal parent(s) of the child's siblings.
- Child's legal stepparent, even after death of or divorce from the parent.
- Child's legal stepsiblings who meet the definition of a dependent child, even after death of or divorce from the parent.
- Child's child. BEM 210.

In this case, Claimant is contesting the department's ongoing failure to properly process the addition of her husband to her FIP household in August 2012 and to issue Claimant any supplemental FIP benefits to which she may be entitled.

At the April 11, 2013 hearing, the department representative acknowledged that the department did indeed fail to properly process the addition of Claimant's husband to her FIP household in August 2012 and, consequently, Claimant may be eligible for supplemental FIP benefits for the benefit period effective August 1, 2012 through January 31, 2013. However, according to the department representative, the department remains unable to process the addition of Claimant's husband to her FIP household effective August 1, 2012 and approve Claimant for any supplemental FIP benefits to which she may be entitled because the computer system will not allow it. The department submitted a request to resolve the problem (remedy ticket # BR0007269) and, to date, the computer problem remains unresolved.

Accordingly, the Administrative Law Judge finds that, based on the competent, material, and substantial evidence presented during the hearing, the department failed to properly process the addition of Claimant's husband to her FIP household effective August 1, 2012 and approve Claimant for any supplemental FIP benefits to which she may be entitled for the benefit period effective August 1, 2012 through January 31, 2013.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department failed to properly process the addition of Claimant's husband to her FIP household effective August 1, 2012 and approve Claimant for any supplemental FIP benefits to which she may be entitled for the benefit period effective August 1, 2012 through January 31, 2013.

Accordingly, the department's actions in this regard are **REVERSED** and the department shall process the addition of Claimant's husband to her FIP household effective August 1, 2012 and approve Claimant for any supplemental FIP benefits to which she may be entitled for the benefit period effective August 1, 2012 through January 31, 2013 in accordance with the applicable department policy and the department shall take the necessary steps to ensure the computer problem is resolved.

It is **SO ORDERED**.

/s/ _____
Suzanne D. Sonneborn
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: April 12, 2013

Date Mailed: April 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 60 days of the filing of the original request.

The Claimant may appeal this 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 errors, or other obvious errors in the hearing decision that effect the substantial rights of Claimant;

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- 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 System
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, MI 48909-07322

SDS/cr

cc:

