

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

IN THE MATTER OF:



Reg. No.: 201364969
Issue No.:
Case No.:
Hearing Date: October 24, 2013
County: Washtenaw

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on October 24, 2013, from Lansing, Michigan. Claimant appeared and testified. Participants on behalf of the Department of Human Services (Department) included ES and AP Supervisor .

ISSUE

Did the Department begin issuing Claimant Family Independence Program (FIP) benefits in accordance with Department policy?

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 July 1, 2013, Claimant submitted an application for Family Independence Program (FIP) benefits.
2. On July 3, 2013, Claimant was sent a PATH Appointment Notice (DHS-4785 form) stating she was to attend beginning July 15, 2013.
3. On August 5, 2013, Claimant completed the 21 day PATH application eligibility period and became eligible for Family Independence Program (FIP) benefits.
4. On August 6, 2013, Claimant was sent a Notice of Case Action (DHS-1605) which stated she was approved for Family Independence Program (FIP) benefits beginning August 1, 2013.

5. On August 16, 2013, Claimant submitted a request for hearing.

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), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

In this request for hearing Claimant asserts that she should have received Family Independence Program (FIP) from an earlier date than August 1, 2013. Department of Human Services Bridges Administration Manual (BAM) 115 Application Processing (2013) and Department of Human Services Bridges Eligibility Manual (BEM) 229 PATH Program Referrals & the Application Eligibility Period (2013) are the Department policies applicable to this hearing.

BEM 229 page 1 states that completion of the 21 day PATH application eligibility period (AEP) is an eligibility requirement for Family Independence Program (FIP) benefits. A FIP application cannot be approved before completion of the AEP. In this case, that means that Claimant's FIP application could not be approved before August 5, 2013, when she completed her AEP.

BEM 229 page 3 directs that an applicant is sent a PATH Appointment Notice (DHS-4785 form) once the Family Independence Specialist (FIS) completes the input of necessary information about the applicant. BAM 115 page 12 provides that the FIS must complete that data entry within 5 days of the application date. In this case Claimant applied on July 1, 2013 and her PATH Appointment Notice (DHS-4785 form) was sent out on July 3, 2013. Claimant's information was entered sooner than Department policy requires.

BAM 115 page 25 directs that if a FIP group has met all eligibility requirements, assistance payments begin for the first pay period in which the application becomes 30 days old. In this case Claimant's FIP application became 30 days old on July 31, 2013. Claimant had not met all eligibility requirements on July 31, 2013 because she had not completed the AEP. Claimant may not receive assistance for the July 15-31, 2013 pay period.

BAM 115 page 25 goes on to direct that if the FIP group has not met all eligibility requirements when the application becomes 30 days old, to begin assistance for the first pay period when the group does meet eligibility requirements. In this case, Claimant met all eligibility requirements on August 5, 2013 when she completed the AEP. Claimant should begin receiving assistance for the pay period August 1-15, 2013.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it began Claimant's Family Independence Program (FIP) assistance on August 1, 2013.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.

/s/
Gary F. Heisler
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 10/25/2013

Date Mailed: 10/28/2013

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

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The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

GFH/sw

cc:

