

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2013-16003  
Issue No.: 1002  
Case No.: [REDACTED]  
Hearing Date: May 1, 2013  
County: Wayne (82-35)

**ADMINISTRATIVE LAW JUDGE:** Zainab Baydoun

**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 Wednesday, May 1, 2013, from Detroit, Michigan. Claimant appeared and testified. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

**ISSUE**

Did the Department receive Claimant's 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 December 5, 2012, the Department sent Claimant a Quick Note informing her that they had not received the FIP application that she stated she mailed to the Department on September 11, 2012. Exhibit 2.
2. On December 5, 2012, the Department sent Claimant a new application for FIP benefits. Exhibit 1.
3. Claimant requested a hearing regarding the Department's alleged failure to process an application for FIP benefits that she stated she submitted on September 11, 2012.

4. Claimant's Request for Hearing is stamped as received by the Department on two different dates: October 22, 2012, and December 4, 2012.

### **CONCLUSIONS OF LAW**

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the 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.

Additionally, Claimant testified that on September 11, 2012, she mailed the Department an application for FIP benefits. Claimant stated that she went to the Post Office and had the application mailed out from there to ensure that it had the proper amount of postage. When Claimant did not receive any communication from the Department regarding her application, she submitted a request for hearing on October 22, 2012, which was date-stamped as received. Claimant called the Department to check the status of her hearing request on October 30, 2012, and was informed that the Department had no record of it. Claimant was instructed to fax the Department a copy of the hearing request that was stamped October 22, 2012, but Claimant was not able to do so. Claimant returned to the Department at a later date and her hearing request was stamped a second time as received on December 4, 2012.

At the hearing, the Department testified that it never received Claimant's September 11, 2012, application for FIP benefits. The Department further stated that it first became aware that Claimant had submitted a FIP application on September 11, 2012, when it received her hearing request on December 4, 2012. As a result of receiving Claimant's hearing request, on December 5, 2012, the Department sent Claimant a Quick Note informing her that they had not received the FIP application that she requested a hearing on and provided her with a new FIP application for her to complete. Exhibits 1 and 2. Claimant submitted a new application for FIP benefits on December 11, 2012, and was subsequently approved.

Although Claimant testified that she mailed her FIP application on September 11, 2012, and requested a hearing on October 22, 2012; she did not provide a receipt from the Post Office nor did she provide a copy of the application submitted or a copy of the envelope to verify that the application went to the correct address. Claimant stated that she used the address for the local Redford Department office that she had on other documents, but did not confirm what that address was. Therefore, it is found and determined that the Department did not receive Claimant's September 11, 2012, FIP

application. Additionally, Claimant did not provide the Department with her October 22, 2012, date-stamped hearing request until December 4, 2012; therefore, the Department acted properly when on December 5, 2012, it sent Claimant a Quick Note and a new FIP application to be completed and processed in accordance with Department policy.

**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 receive Claimant's FIP application dated September 11, 2012, and acted in accordance with Department policy when it provided Claimant with a new FIP application to be completed and processed. Accordingly, the Department's decision is AFFIRMED.



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**Zainab Baydoun**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: May 14, 2013

Date Mailed: May 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 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 affect the substantial rights of the claimant:
  - 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

2013-16003/ZB

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

ZB/pf

cc:

