

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

IN THE MATTER OF:



Reg. No.: 201316436
Issue No.: 1015
Case No.: [REDACTED]
Hearing Date: May 1, 2013
County: Wayne (15)

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 1, 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.

ISSUE

Did the Department properly issue Claimant's Family Independence Program (FIP) benefits for April 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. On August 3, 2012, the Department sent Claimant a Notice of Case Action informing her that she was eligible for FIP benefits from March 16, 2012, ongoing.
2. On December 4, 2012, Claimant filed a request for hearing contending that the Department had not issued April 2012 FIP benefits to her.

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.

As a preliminary matter, the Department contended that Claimant's December 4, 2012 request for hearing concerning her April 2012 FIP benefits was untimely because she was notified of the Department's actions concerning those benefits on August 3, 2012 and filed her request for hearing more than 90 days after the date of the Notice. Generally, a client must request a hearing within 90 days of the date of the written notice of case action. BAM 600 (February 2013), p 4. However, in this case, Claimant was not disputing the Department's action in the August 3, 2012 Notice. In fact, she agreed with the Department's intended action in the August 3, 2012 Notice, that it would issue \$1139.73 in FIP benefits to her for April 2012. Rather, Claimant contended that the Department had failed to issue the April 2012 benefits as provided in the Notice. Because Claimant is not challenging the Department's intended action in the Notice, but rather its failure to issue benefits as provided in the Notice, Claimant's request concerns a failure to process the August 3, 2012 Notice and is not untimely. See also Mich Admin Code R 400.903(1). Thus, the hearing proceeded with respect to Claimant's FIP issue.

At the hearing, the Department acknowledged that Claimant was entitled to \$1139.73 in FIP benefits for April 2012 and she had not been issued this payment. The Department further testified that it had requested a Help Desk Ticket [REDACTED] for assistance in issuing the April 2012 FIP benefits to Claimant in April 2013 but, as of the date of the hearing, Claimant had not received those benefits.

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 act in accordance with Department policy when it failed to issue April 2012 FIP benefits to Claimant. 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. Continue processing Help Desk Ticket # [REDACTED] regarding the issuance of Claimant's April 2012 FIP benefits; and

2. Issue FIP benefits to Claimant for April 2012 in the amount of \$1139.73.



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

Date Signed: 5/9/2013

Date Mailed: 5/9/2013

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:

