

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013781
Issue No.: 1034
Case No.: [REDACTED]
Hearing Date: March 21, 2013
County: Oakland (02)

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 March 21, 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 process Claimant's August 24, 2012, 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 September 14, 2011, the Department notified Claimant that her FIP case would close effective October 1, 2011 for exceeding the 60-month federal time limit.
2. On October, 24, 2011, Claimant reapplied for FIP benefits and benefits were approved, effective November 16, 2011 for Christien (a minor child over whom Claimant had guardianship) with Claimant as the ineligible grantee.
3. On August 24, 2012, Claimant applied to have herself and her two minor children added to Christien's FIP case.

4. The Department added Claimant and her two children to Christien's FIP case, with increased benefits effective September 2012.
5. On September 9, 2012, Claimant requested a hearing contending that she was entitled to FIP supplements.

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.

Additionally, pursuant to the Department's legal settlement suspending the federal 60 month time limit for receipt of FIP benefits (see Department of Human Services Bridges Policy Bulletin (BPB) 2012-0005), the Department sent clients whose FIP cases had closed in 2011 as a result of exceeding the 60-month limit a TC-60 application. The Department testified that clients who submitted a completed TC-60 application by June 11, 2012, and were found eligible for FIP would have their applications dated as of February 29, 2012, and would receive FIP benefits as of March 16, 2012.

In this case, Claimant's FIP group originally consisted of Claimant, her two minor children, and a third minor child, Christien, over whom Claimant had guardianship. Claimant's FIP case closed effective October 1, 2011, on the basis that she had received FIP benefits in excess of the 60-month federal time limit. Claimant reapplied for FIP on October 24, 2011 on behalf of Christien. The Department approved the application and issued FIP payments to Claimant as an ineligible grantee on behalf of Christien. See BEM 234 (October 1, 2011), p 4 (providing that ineligible grantees are not subject to the time limits) and BEM 210 (October 1, 2011), pp 5, 7 (defining ineligible grantees).

At the hearing, the Department acknowledged that, because Claimant's FIP case for herself had been closed on the basis of exceeding the 60-month federal time limit, Claimant was entitled to notice of the TC-60 application. Claimant credibly testified that she never received notice of the application process and became aware of the TC-60 application in August 2012. The Department presented no evidence to show that it sent Claimant any notice of the TC-60 application process. Claimant contended that, in the absence of any notice of the TC-60 application process, when the Department approved her August 24, 2012, FIP request to add herself and her two minor children to the FIP group, it should have issued a supplement to her for FIP benefits her group would have

been eligible to receive if her member-add request had been processed as a timely-submitted TC-60 application. Because Claimant did not receive notice of the TC-60 application and was entitled to notice, the Department did not act in accordance with Department policy in processing Claimant's August 24, 2012 request to add members to her FIP group. Under the circumstances in this case, Claimant was entitled to have her case processed in accordance with the procedure applicable to TC-60 applications.

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 act properly when .

did not act properly when it failed to provide Claimant with notice of the TC-60 application process.

Accordingly, the Department's decision is AFFIRMED REVERSED for the reasons stated on the record and above.

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

1. Begin reprocessing Claimant's August 24, 2012 FIP application in accordance with Department policy, including the procedure applicable to the processing of TC-60 applications (but excluding the requirement that the application be submitted by June 11, 2012);
2. Issue supplements to Claimant for any FIP benefits she was eligible to receive, but did not, for a FIP application dated as of February 29, 2012;
3. 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: 3/29/2013

Date Mailed: 3/29/2013

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:

