

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-10317
Issue No.: 4001; 1001
Case No.: [REDACTED]
Hearing Date: March 4, 2014
County: Macomb #20

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

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 March 4, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] ta, a [REDACTED] [REDACTED] in which the Claimant resides. Participants on behalf of the Department of Human Services (Department) included Eligibility Specialist (ES), [REDACTED].

ISSUE

Did the Department properly deny Claimant's application for:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Family Independence Program (FIP)? | <input checked="" type="checkbox"/> State Disability Assistance (SDA)? |
| <input type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> Child Development and Care (CDC)? |
| <input type="checkbox"/> Medical Assistance (MA)? | <input type="checkbox"/> Direct Support Services (DSS)? |
| <input type="checkbox"/> Adult Medical Assistance (AMP)? | <input type="checkbox"/> State SSI Payments (SSP)? |

FINDINGS OF FACT

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

1. Claimant applied for: FIP and SDA benefits.
2. There is no DHS-1605, Notice of Case Action in evidence. Per the Department's hearing summary, on October 1, 2013, the Department denied Claimant's application because she submitted an incomplete application.

3. There is no DHS-1605, Notice of Case Action in evidence. Per the Department's hearing summary, on November 1, 2013, the Department sent Claimant its decision.
4. On November 1, 2013, the Claimant filed a hearing request, protesting the Department's actions.

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, 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.

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

The Department's hearing summary was prepared by ES [REDACTED] though she testified that she was not the worker who took action in this case. Indeed, ES [REDACTED] testified that she did not know anything about the case. The hearing summary reflects that this is an FIP issue. As the Claimant resides in an [REDACTED], and as the ES has testified that she knows nothing about the case, the Administrative Law Judge addresses the issue of SDA as well.

In this case, the Claimant's home provider testified that she and the Claimant submitted a complete application at the medical district. The home provider testified that apparently the application was rerouted to Macomb County local office missing some pages and the Claimant lives in Wayne County. The Claimant testified that the worker at the Macomb district did not want to forward her application to the proper local office. ES [REDACTED] had no personal knowledge of the veracity of the Claimant's testimony and did therefore not contest it.

Bridges Administrative Manual (BAM) 110 (2013) p. 15, provides that a person may request or apply for assistance electronically or in any local office in Michigan. The application must be processed by a local office serving the county or district where the person lives or is institutionalized. BAM 110 pp.16, 17, provides that if a client contacts a local office in error and the client chooses to complete an application and turn it in in an office which will not be processing the application, the Department is to accept and register the application as appropriate. It is then to mail it promptly to the correct office sold the transfer-in office may act within the standard of promptness. Therefore, this

Administrative Law Judge concludes that the Department was not acting in accordance with Departmental policy when it failed to forward the Claimant's DHS-1171, Assistance Application to the Claimant's local office. Therefore, when the Department took action to deny the Claimant's application because the application was incomplete, the Department was not acting in accordance with its policy.

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it took action to deny the Claimant's application.

DECISION AND ORDER

Accordingly, the Department's decision is REVERSED.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Register and processed the Claimant's August 20, 2013 DHS-1171, Assistance Application, and
2. Determine the Claimant's eligibility for the benefits she applied for, be it either FIP or SDA, and
3. Issue the Claimant any supplement that she may thereafter be due.

Susanne E. Harris

Susanne E. Harris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 3/7/14

Date Mailed: 3/12/14

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.

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

SEH/tb

cc:

