

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 20148442
Issue No.: 1001
Case No.: [REDACTED]
Hearing Date: February 20, 2014
County: Wayne (15/23)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 February 20, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Success Coach /Family Independence Specialist.

ISSUE

Did the Department properly process 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. Claimant's infant cousin, [REDACTED], was placed in protective custody and in Claimant's relative placement care.
2. In July 2013, Claimant applied for FIP benefits for the child as an ineligible grantee.
3. On August 22, 2013, the Department sent Claimant a Notice of Case Action closing the FIP case effective September 30, 2013.
4. On October 11, 2013, Claimant filed a hearing request disputing 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), 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.

Additionally, Claimant's infant cousin was placed in a relative placement with Claimant by protective services. Claimant applied for FIP benefits on the child's behalf with herself as an ineligible grantee. When FIP eligibility is based solely on the presence of a child placed in the home by children's services, the adult is in the FIP EDG for relationship purposes, but cannot be in the FIP certified group. BEM 210 (July 2013), p. 9. Non-parent caregivers who are not eligible for cash assistance or choose not to request cash assistance are classified as ineligible grantees. BEM 515 (July 2013), p. 2.

It appears from the eligibility summary that Claimant's FIP application was initially approved and Claimant received FIP benefits on the infant's behalf for September 2013. However, on August 22, 2013, the Department sent Claimant a Notice of Case Action notifying her that the FIP case would close effective October 1, 2013 because the infant cousin was ineligible for benefits.

At the hearing, the Department explained that the FIP case was scheduled to close because of a misunderstanding: the Department had requested that Claimant obtain the infant's social security number but Claimant was under the impression that the Department had access to that information. The Department further testified that, once Claimant obtained the infant's social security number, it was prepared to remove the negative action and reinstate Claimant's FIP case. However, in the interim between the time the August 22, 2013 Notice of Case Action was sent and the time Claimant was able to retrieve the social security number, the infant's foster care case had been transferred from Wayne County to Oakland County, where the child's Medical Assistance (MA) case was activated, and Claimant's Department worker was unable to reinstate Claimant's FIP case for the infant.

The Department explained that, in an attempt to reinstate the case and have FIP benefits issued, it processed the FIP case using Claimant and her minor son as mandatory group members. On October 21, 2013, the Department sent Claimant a Notice of Case Action informing her that she was approved for monthly FIP benefits of \$171 for herself and her son. Both Claimant and the Department acknowledged that

Claimant did **not** apply for FIP benefits for herself and her son and **did** not desire such benefits. Claimant requested that the FIP case for herself and her son be closed. However, it appears that FIP benefits for Claimant and her son were issued to Claimant for August 2013 and for October 2013 through December 2013.

Claimant testified that she spoke to another Department worker to have her case fixed. On November 4, 2013, the Department sent Claimant a Notice of Case Action approving the FIP case for the infant from December 16, 2013 ongoing. On January 9, 2014, the Department sent Claimant another Notice of Case Action notifying her that FIP benefits for the infant were approved for September 2013 and for January 1, 2014 ongoing and that she would receive a supplement of \$79 for FIP benefits due for December 2013. Therefore, for at least January 1, 2014 ongoing, Claimant received FIP benefits for only for her infant cousin.

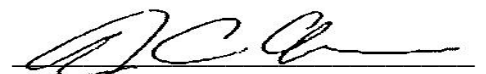
By processing Claimant's application for FIP benefits for Claimant and her son, rather than for the infant child only with Claimant as an ineligible grantee of the infant's case, the Department did not act in accordance with Department policy.

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. Reinstate Claimant's FIP case from the date of application;
2. Reprocess the application for a group size of one, with the infant cousin as the sole certified group member and Claimant as the ineligible grantee of the group;
3. Issue supplements to Claimant for any FIP benefits she is eligible to receive but did not from the date of application, offsetting any overissuances from the supplements pursuant to BAM 406 (July 2013), p. 1; and
4. Notify Claimant in writing of its decision.


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

Date Signed: March 7, 2014

Date Mailed: March 7, 2014

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

ACE/tif

cc:

