

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

IN THE MATTER OF:

██████████
██████████████████
██████████████████

Reg. No.: 14-011443
Issue No.: 1004
Case No.: ██████████
Hearing Date: November 20, 2014
County: WAYNE-DISTRICT 57
(CONNER)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 November 20, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant, ██████████. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████, Family Independence Manager.

ISSUE

Did the Department fail to process Claimant's Cash (Family Independence Program (FIP)) application dated June 9, 2014?

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 June 9, 2014, Claimant applied for Cash (FIP) benefits. See Exhibit 1, p. 8.
2. The Department failed to properly process Claimant's FIP application in accordance with Department policy.
3. On September 4, 2014, Claimant filed a hearing request, protesting the denial of her April 2014 Cash application and the Department's failure to process her June 2014 Cash application. See Exhibit 1, pp. 6-7.

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, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, 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 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

Preliminary matter

In April 2014, Claimant applied for Cash (FIP) benefits. On May 29, 2014, the Department sent Claimant a Notice of Case Action notifying her that her Cash application was denied effective May 16, 2014. Exhibit 1, pp. 2-5. On September 4, 2014, Claimant filed a hearing request, protesting the denial of her April 2014 Cash application. However, Claimant's hearing request was not timely filed within ninety days of the Notice of Case Action and/or April 2014 Cash application and is, therefore, **DISMISSED** for lack of jurisdiction. BAM 600 (July 2014), pp. 4-6. It should also be noted that Claimant testified she is only disputing her June 2014 Cash application.

Cash (FIP) application

On June 9, 2014, Claimant applied for Cash (FIP) benefits. See Exhibit 1, p. 8. On September 4, 2014, Claimant filed a hearing request, protesting the Department's failure to process her June 2014 Cash application. See Exhibit 1, pp. 6-7.

Any person, regardless of age, or his/her authorized representative (AR) may apply for assistance. BAM 110 (January 2014), p. 4. The standard of promptness (SOP) begins the date the department receives an application/filing form, with minimum required information. BAM 115 (March 2014), p. 14.

Upon immediate receipt of the FIP application, the specialist must run the FIP Eligibility Determination Group (EDG) in its system to timely generate an automated Partnership. Accountability. Training. Hope. (PATH) referral, as well as the DHS-4785, PATH Appointment Notice, to the client. While the specialist should run the FIP EDG immediately, this must be completed within five days of the application date. BAM 115,

p. 15. The Department certifies FIP program approval or denial of the application within 45 days. BAM 115, p. 15. Note, the specialist must review the DHS-1171 for any potential deferral requests prior to running the FIP EDG. BAM 115, p. 15.

For FIP cases, provided the group meets all eligibility requirements, the Department begins assistance in the pay period in which the application becomes 30 days old. BAM 115, p. 25. If the application becomes 30 days old and the group has not met eligibility requirements, the Department begins assistance for the first pay period when it does. BAM 115, p. 25.

If the group is ineligible or refuses to cooperate in the application process, the Department certifies the denial within the standard of promptness to avoid receiving an overdue task in its system. BAM 115, p. 22. The Department sends a DHS-1605, Client Notice, or the DHS-1150, Application Eligibility Notice, with the denial reason(s). BAM 115, p. 22. If approved, the Department sends the DHS-1605 detailing the approval at certification of program opening. BAM 115, p. 23.

At the hearing, the Department testified that it did not register and/or properly open Claimant's Cash application. In fact, the Department testified that it denied her application based on a child support issue (i.e., non-compliance). However, Claimant testified that she did not receive any response to her June 2014 application (i.e., Notice of Case Action). The Department did not present any evidence that a Notice of Case Action was generated in response to the June 2014 application. Also, the Department testified that it submitted a help desk ticket; however, as of today's hearing, the help desk ticket issue has not been resolved. Moreover, Claimant gave birth to a child on May 23, 2014; thus, the Department testified that Claimant should have been deferred at the time of application. See BEM 230A (October 2013), p. 8.

Additionally, the Department testified that Claimant attended the PATH program subsequent to this hearing request and no evidence has been presented that she received any FIP issuance subsequent to the June 2014 application.

Based on the foregoing information and evidence, the Department failed to properly process Claimant's Cash (FIP) application dated June 9, 2014, in accordance with Department policy. See BAM 110, p. 4 and BAM 115, pp. 15 and 22-23. The evidence presented that the Department failed to properly register and process Claimant's Cash (FIP) application in accordance with Department policy. The evidence indicated that Claimant did not receive any response to her application (i.e., Notice of Case Action). Thus, the Department will register and process Claimant's Cash (FIP) application dated June 9, 2014, in accordance with Department policy. See BAM 110, p. 4 and BAM 115, pp. 15 and 22-23.


DECISION AND ORDER

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department failed to properly process Claimant's Cash (FIP) application dated June 9, 2014, in accordance with Department policy; and (ii) Claimant's dispute with her April 2014 Cash application (denial notice dated May 29, 2014) is dismissed for lack of jurisdiction.

Accordingly, the Department's Cash (FIP) 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. Initiate (re)registration and processing of Claimant's Cash (FIP) application dated June 9, 2014;
2. Begin issuing supplements to Claimant for any FIP benefits she was eligible to receive but did not in accordance with Department policy; and
3. Begin notifying Claimant in writing of its FIP decision in accordance with Department policy.


Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **11/21/2014**

Date Mailed: **11/21/2014**

EJF / cl

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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 48909-8139

CC:

[REDACTED]