

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

IN THE MATTER OF:

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

Reg. No.: 14-015009
Issue Nos.: 1001, 3007
Case No.: ██████████
Hearing Date: December 1, 2014
County: Wayne (57-Conner)

ADMINISTRATIVE LAW JUDGE: Michael Bennane

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 December 1, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████
██████

ISSUE

Did the Department properly deny Claimant's Family Independence Program (FIP) application?

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 25, 2014, Claimant applied for FIP benefits.
2. On August 27, 2014, the Department sent Claimant a PATH appointment notice for September 5, 2014.
3. On October 8, 2014, the Department sent Claimant a notice of case action informing her that her FIP was denied effective September 16, 2014.
4. On October 16, 2014, Claimant requested a hearing to protest the denial of her FIP benefits.

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 Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001 to .3015.

FAP

Although Claimant's request for hearing indicated she was requesting a hearing on both her FIP benefits and her FAP benefits, there was no negative action taken with regard to Claimant's FAP benefits. Therefore, the request for a hearing on her FAP benefits is DISMISSED.

FIP

At the hearing, Claimant testified that she called the Department concerning the PATH appointment scheduled for September 5, 2014, three days before the appointment. Claimant further testified that she called to inform them that she was pregnant and wished to receive instructions from the Department as to how to proceed in light of her "at high risk" pregnancy. Claimant further testified that the Department failed to respond to the messages she left. The Department had no comment regarding these telephone calls.

The Department is required to provide assistance. BAM 105 (April 2014); BEM 230 A (October 2013).

Based on the testimony provided at the hearing, this Administrative Law Judge finds that the Department failed to provide Claimant the requested assistance as it did not respond to Claimant's telephone calls.

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

- acted in accordance with Department policy when it .
- did not act in accordance with Department policy when it failed to respond to Claimant's requests for assistance.
- failed to satisfy its burden of showing that it acted in accordance with Department policy when it .


DECISION AND ORDER

Accordingly, the Department's decision is

- AFFIRMED.**
- REVERSED.**
- AFFIRMED IN PART with respect to and REVERSED IN PART with respect to .

- 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. Reregister and process Claimant's FIP application retroactively back to August 25, 2014, and supplement for any missed benefits.



Michael Bennane
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **12/9/2014**

Date Mailed: **12/9/2014**

MJB / pf

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.

