

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-21264
Issue No(s): 1004; 5000
Case No.: [REDACTED]
Hearing Date: March 13, 2014
County: Wayne (18)

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 March 13, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department or DHS) included [REDACTED], Eligibility Specialist, and [REDACTED], Assistant Payment Supervisor.

ISSUE

Did the Department properly process Claimant's Family Independence Program (FIP) application dated October 14, 2013?

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 October 14, 2013, Claimant applied for FIP benefits.
2. Subsequent to Claimant's FIP application, on November 15, 2013, the Department sent Claimant a notice for her to attend the Partnership. Accountability Training. Hope. (PATH) orientation on November 25, 2013.
3. The Department erred in processing Claimant's FIP application timely.
4. On December 16, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FIP benefits were approved effective December 1, 2013, ongoing, in the amount of \$403. See Exhibit 1.

5. On December 27, 2013, Claimant filed a hearing request, protesting the Department's failure to process her FIP application timely and her State Emergency Relief (SER) assistance. See Exhibit 1.

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.

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Family Independence Agency) pursuant to MCL 400.10 and by Mich Admin Code, R 400.7001 through R 400.7049.

Preliminary matter

As a preliminary matter, on December 27, 2013, Claimant also requested a hearing to dispute her SER assistance. See Exhibit 1. Shortly after commencement of the hearing, Claimant testified that she is no longer disputing her SER issue. As such, Claimant's SER hearing request (dated December 27, 2013) is DISMISSED.

FIP application

Any person, regardless of age, or his/her authorized representative (AR) may apply for assistance. BAM 110 (July 2013), p. 4. The date of application is the date the local office receives the required minimum information on an application or the filing form. BAM 110, p. 5. The date of application is the date the local office receives the required minimum information on an application or the filing form. BAM 110, p. 19.

The standard of promptness (SOP) begins the date the department receives an application/filing form, with minimum required information. BAM 115 (July 2013), p. 15.

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 PATH referral, as well as the DHS-4785, PATH Appointment Notice, to the client. BAM 115, p. 15. 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.

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.

In this case, on October 14, 2013, Claimant applied for FIP benefits. Subsequent to Claimant's FIP application, on November 15, 2013, the Department sent Claimant a notice for her to attend the PATH orientation on November 25, 2013. See Hearing Summary, Exhibit 1. The Department testified it erred in processing Claimant's FIP application timely. On December 16, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FIP benefits were approved effective December 1, 2013, ongoing, in the amount of \$403. See Exhibit 1. Claimant received benefits for December 2013, ongoing. However, it appears that Claimant would also be eligible for FIP benefits for November 2013. A review of Claimant's hearing request indicates that she is disputing the Department's failure to process her application timely. See Exhibit 1.

A pay period is either the first through the 15th day or the 16th through the last day of the month. BAM 400 (July 2013), p. 1. At opening, the group is eligible for benefits no earlier than the pay period in which the application becomes 30 days old. BAM 400, p. 2.

Based on the above information, it appears that Claimant would be eligible for FIP benefits for the entire month of November 2013. This is due to the fact that Claimant's application (dated October 14, 2013) becomes 30 days old within the pay period of November 1st through the 15th day. BAM 400, pp. 1-2.

Additionally, Claimant did not receive her November 2013 FIP benefits because the Department failed to process her application timely. The Department did not send Claimant's notice to attend orientation until November 15, 2013, which is approximately a month after her application. While the specialist should run the FIP EDG immediately, this must be completed within five days of the application date in order for the system to timely generate an automated PATH referral, as well as the DHS-4785, PATH Appointment Notice, to the client. See BAM 115, p. 15. The evidence presented that the Department did not run Claimant's FIP EDG immediately and/or within five days of the application date because if it was done timely, the Department would have generated a timely appointment notice. See BAM 115, p. 15. Moreover, the Department testified that it erred in processing Claimant's application timely. As such, the Department will reprocess Claimant's FIP application dated October 14, 2013 in accordance with Department policy. Also, the Department will recalculate the FIP budget and issue supplements to Claimant for any FIP benefits she was eligible to receive but did not in accordance with Department policy. See BAM 110, pp. 4 and 19; BAM 115, pp. 15 and 25; and BAM 400, pp. 1-2.

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 did not act in accordance with Department policy when it improperly processed Claimant's FIP application dated October 14, 2013.

Accordingly, the Department's 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. Begin reprocessing the FIP application dated October 14, 2013, in accordance with Department policy;
2. Begin recalculating the FIP budget from the date of application, in accordance with Department policy;
3. Issue supplements to Claimant for any FIP benefits she was eligible to receive but did not from the date of application in accordance with Department policy; and
4. Notify Claimant in writing of its FIP decision in accordance with Department policy.

IT IS ALSO ORDERED that Claimant's SER hearing request (dated December 27, 2013) is **DISMISSED**.


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

Date Signed: March 31, 2014

Date Mailed: March 31, 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

EJF/tlf

cc:

