

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

IN THE MATTER OF:

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

MAHS Reg. No.: 15-017189
Issue No.: 1001
Agency Case No.: ██████████
Hearing Date: November 09, 2015
County: Wayne-District 76

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

HEARING DECISION

Following Petitioner'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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on November 9, 2015, from Detroit, Michigan. Petitioner appeared for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by ██████████s, Family Independence Specialist.

ISSUE

Did the Department properly process Petitioner's 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. On June 24, 2015, Petitioner submitted an application for FIP benefits. (Exhibit A)
2. The Department did not timely process Petitioner's FIP application.
3. The Department referred Petitioner to participate in the PATH program beginning August 17, 2015. (Exhibit B)
4. Petitioner was approved for FIP benefits in the amount of \$492 monthly, effective September 1, 2015. (Exhibit D)
5. On September 8, 2015, Petitioner requested a hearing disputing the Department's actions.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and 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 Department of Human Services) 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-.3131.

In this case, on June 24, 2015, Petitioner applied for FIP benefits. Petitioner requested a hearing to dispute her initial benefit eligibility date and the Department's improper processing of her FIP application. At the hearing, the Department acknowledged that due to its error, Petitioner's application was not timely processed. The Department testified that when the application was finally registered and processed, Petitioner was approved for FIP with an effective eligibility date of September 1, 2015. (Exhibit D).

Department policy indicates that with respect to initial FIP benefits, provided the group meets all eligibility requirements, the Department is to begin assistance in the pay period in which the application becomes 30 days old. If the application becomes 30 days old and the group has not met eligibility requirements, the Department will begin assistance for the first pay period when it does. BAM 115 (July 2015), p. 25.

The Department further acknowledged that based on her application date, Petitioner should have been approved for and should have received FIP benefits in the amount of \$246 for the second period in July 2015 and in the amount of \$492 for the month of August 2015. The Department stated that a help desk ticket (Ticket No. [REDACTED]) has been requested to resolve the problem and to provide Petitioner with the FIP supplements she was entitled to receive, however, as of the hearing date, the help desk ticket was not resolved. (Exhibit E).

Therefore, 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 determined that Petitioner was eligible for FIP with an initial eligibility date of September 1, 2015.

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. Resolve the help desk ticket issued in connection with Petitioner's FIP case (Ticket No. [REDACTED]);
2. Issue FIP supplements to Petitioner in the amount of \$246 for the month of July 2015 and \$492 for the month of August 2015, in accordance with Department policy; and
3. Notify Petitioner in writing of the Department's decision.



Zainab Baydoun
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **11/16/2015**

Date Mailed: **11/16/2015**

ZB / tlf

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 copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from 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]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]