

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-003001
Issue No.: 1004
Case No.: [REDACTED]
Hearing Date: April 1, 2015
County: Wayne-76

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 April 1, 2015, from Detroit, Michigan. Participants included the above-named Claimant, [REDACTED], Claimant's mother, testified on behalf of Claimant. Participants on behalf of the Department of Human Services (DHS) included [REDACTED], specialist.

ISSUE

The issue is whether DHS complied with an administrative order to 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. On [REDACTED], Claimant applied for FIP benefits.
2. On an unspecified date, DHS denied Claimant's FIP application.
3. On an unspecified date, Claimant requested a hearing to dispute the FIP application denial.
4. On [REDACTED], an administrative hearing was held to determine if DHS properly denied Claimant's application.

5. On [REDACTED], an administrative law judge ordered DHS to process Claimant's FIP application dated [REDACTED].
6. DHS failed to process Claimant's FIP application.
7. On [REDACTED], Claimant requested a hearing to compel DHS to comply with the administrative order dated [REDACTED].

CONCLUSIONS OF LAW

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

Claimant requested a hearing to compel DHS to comply with an administrative decision dated [REDACTED]. DHS presented the administrative hearing decision (Exhibits 1-4). The decision ordered DHS to "Reprocess Claimant's benefit application of [REDACTED]." The body of the hearing decision specifically noted that DHS is to reprocess the application "from scratch". The decision also indicated that however DHS previously processed Claimant's application was insufficient.

When a decision requires a case action different from the one originally proposed, a DHS-1843, Administrative Hearing Order Certification, is sent with the hearing decision. BAM 600 (1/2015), p. 42. DHS is to complete the necessary case actions within 10 calendar days of the mailing date noted on the hearing decision. *Id.*

DHS provided testimony that Claimant's application was not reprocessed because Claimant verbally withdrew her FIP application and/or that Claimant verbally refused to participate in employment-related activities. Even if both provided excuses were legitimate reasons to deny Claimant's application, DHS failed to comply with their procedural requirements.

DHS is required to register applications (see BAM 110). DHS is also required to mail Claimant a Notice of Case Action (see BAM 220) listing the reason for denying the application. DHS conceded that Claimant's application was never reregistered and that a Notice of Case Action was not issued to Claimant following the previous administrative hearing. The multiple procedural failures equate to a DHS failure to reprocess Claimant's application.

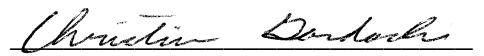
DHS will yet again be ordered to reprocess Claimant's application. To be clear, DHS cannot rely on previous reasons for denial. Just as noted by a previous administrative decision order, the DHS processing shall be from scratch.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS failed to process Claimant's FIP application as required by administrative order. It is ordered that DHS perform the following actions:

- (1) re-register Claimant's application dated [REDACTED]
- (2) initiate processing of Claimant's application as required by DHS policies.

The actions taken by DHS are **REVERSED**.


Christian Gardocki
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: April 8, 2015

Date Mailed: April 8, 2015

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

15-003001/CG

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

CG/hw

cc:

