

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

IN THE MATTER OF:

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Reg. No.: 15-011335
Issue No.: 1001;1004
Case No.: ██████████
Hearing Date: August 20, 2015
County: Wayne-District 19 (Inkster)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on August 20, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Health and Human Services (Department) included ██████████ Hearings Facilitator.

ISSUE

Did the Department properly deny Claimant's March 27, 2015, application for Family Independence Program (FIP) and process her May 12, 2015, 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 or around February 12, 2015, CPS placed Claimant's grandchildren in her care.
2. On March 27, 2015, Claimant submitted an application for FIP benefits as an ineligible grantee. (Exhibit A)
3. On May 4, 2015, the Department sent Claimant a Notice of Case Action informing her that the application was denied on the basis that she failed to return verification of her loss of employment. (Exhibit B)
4. On May 12, 2015, Claimant submitted a second application for FIP benefits. (Exhibit C)
5. The Department did not process the May 12, 2015, FIP application.

6. On June 17, 2015, Claimant requested a hearing disputing the Department's actions with respect to her FIP applications.

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.

Claimant requested a hearing disputing the Department's actions concerning applications for FIP benefits that she submitted. Claimant testified that her grandchildren were placed in her care by CPS in February 2015 and that she was informed by the CPS worker that CPS would be submitting an application for FIP benefits on her behalf in the month of February 2015. Claimant requested to be supplemented for FIP benefits for February 2015, ongoing, as she had the children in her care and was informed that she should be entitled to FIP benefits. It was established at the hearing however, that the first FIP application submitted by Claimant was on March 27, 2015. Claimant confirmed that she did not submit any applications prior to that date. Therefore, the Department is not authorized to supplement Claimant for FIP benefits prior to the date in which an application was received. Claimant established that she submitted applications for FIP on March 27, 2015, and May 12, 2015, which will be addressed separately.

March 27, 2015 FIP Application

The Department testified that Claimant's March 27, 2015, FIP application was denied on the basis that the Department did not receive verification of Claimant's loss of employment. The Department stated that because it was aware prior to the application that Claimant was an ineligible grantee, the Department should not have requested that she verify income, as her needs/income is not to be considered. BEM 210 (October 2014); RFT 210 (December 2013). The Department acknowledged that the application was improperly denied. Therefore, the Department did not act in accordance with Department policy when it denied Claimant's March 27, 2015, FIP application.

May 12, 2015 FIP Application

When the Department receives an application for assistance, it is to be registered and processed in accordance with Department policies. The date of application is the date

the local office receives the required minimum information on an application or the filing form. BAM 110 (July 2014), pp.3-8,18-22. The standard of promptness (SOP) begins the date the department receives an application/filing form, with minimum required information. BAM 115 (July 2014), pp. 1,14-15. The Department is to certify program approval or denial of the application within the appropriate standard of promptness, unless an exception applies and upon certification of eligibility results, the Department is to notify clients in writing of positive and negative actions by generating the appropriate notice of case action. After processing an initial application, the Department will notify clients of the approval or denial. BAM 115, pp. 1, 13-19;BAM 220 (October 2014), p. 1.

In this case, the Department testified that it received Claimant's May 12, 2015, FIP application and that the application was registered. The Department stated that the application was never processed, however, and an eligibility notice/notice of case action was never issued. The Department acknowledged that it acted in error when it failed to process Claimant's May 12, 2015, FIP application.

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 failed to process Claimant's FIP application.

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. Register and process Claimant's March 27, 2015, and May 12, 2015, applications for FIP benefits;
2. Issue supplement to Claimant for any FIP benefits that she was eligible to receive but did not from each application date, ongoing, in accordance with Department policy; and
3. Notify Claimant in writing of the Department's decision with respect to each application.



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

Date Signed: **8/27/2015**

Date Mailed: **8/27/2015**

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]
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