



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR



Date Mailed: April 28, 2016
MAHS Docket No.: 16-001987
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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 March 23, 2016, from Lansing, Michigan. Petitioner was represented by herself. The Department was represented by Hearing Facilitator [REDACTED]. Testimony was received from all participants. Department's Exhibit A, pages 1-51 was admitted into evidence.

ISSUE

Did the Department properly process Petitioner's December 8, 2015, 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 December 8, 2015, Petitioner submitted an application for Family Independence Program (FIP) benefits.
2. On December 9, 2015, Petitioner was sent a Verification Checklist (DHS-3503) requesting verification of her asserted inability to participate in PATH.
3. On December 9, 2015, Petitioner was sent a FAST Referred Notice (DHS-1535) which stated she was required to complete Family Automated Screening Tool (FAST) within 30 days.

4. On December 9, 2015, Petitioner was sent Verification of Student Information (DHS-3380) forms for both of her children.
5. On January 4, 2016, Petitioner submitted a Medical Needs - PATH (DHS-54-E) form [REDACTED] which stated Petitioner could work with a lifting limitation.
6. On January 5, 2016, Petitioner was sent a Notice of Case Action (DHS-1605) which stated her application was denied for failure to provide information about her two children.
7. On January 25, 2016, Petitioner was sent a PATH Appointment Notice (DHS-4785).
8. On February 4, 2016, the Verification of Student Information (DHS-3380) forms for both of Petitioner's children were submitted.
9. On February 9, 2015, Petitioner submitted a hearing request.

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.

The Department case worker who processed Petitioner's application was not present for the hearing. The Hearing Summary states that the January 5, 2016, Notice of Case Action (DHS-1605) denied Petitioner's application for failure to "provide DHS-1535 FAST Notice Deferred." The January 5, 2016, Notice of Case Action (DHS-1605) in evidence, Department's Exhibit A pages 41 & 42, states the application was denied for failure to provide information about her two children. The evidence in the record regarding the Verification of Student Information (DHS-3380) forms for both children shows that there is no due date given for the verifications. For that reason, the January 5, 2016 denial is not a correct action.

The Department continued to process Petitioner's application after the January 5, 2016 denial was issued. No explanation for this was provided by the Department. It is noted that the Hearing Summary states that as of February 11, 2016, Petitioner had not attended PATH and that her FIP is pending her attendance.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it processed Petitioner's December 8, 2015, Family Independence Program (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. If Petitioner's December 8, 2015, Family Independence Program (FIP) application is not still active, reregister it.
2. Process Petitioner's December 8, 2015, Family Independence Program (FIP) application in accordance with Department policy.
3. Issue Petitioner a current Notice of Case Action (DHS-1605) following proper processing of the application.

GH/nr



Gary Heisler
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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

DHHS

[REDACTED]

Petitioner

[REDACTED]