



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: November 21, 2016
MAHS Docket No.: 16-014883
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Darryl Johnson

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 17, 2016, from Lansing, Michigan. The Petitioner appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Assistance Payments Supervisor [REDACTED] [REDACTED]

ISSUE

Did the Department properly deny Petitioner'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. Petitioner applied for FIP on July 11, 2016.
2. On August 9, 2016, her application was denied erroneously because she was mistakenly determined to be in non-compliance with the PATH program.
3. On August 25, 2016, the Department received Petitioner's hearing request, protesting the denial of her FIP.

4. On October 11, 2016, the Department mailed to Petitioner a Notice of Case Action (Pages 16-18) informing her that she was eligible for FIP beginning August 1, 2016.
5. During the hearing, Petitioner contended that she was protesting the Department's non-action on a FIP application that she had submitted through the online portal some time prior to July 11, 2016.

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, Petitioner completed a FIP application on July 11, 2016. Initially her application was denied, but it was later approved with an effective date of August 1, 2016. There is no justiciable issue to be heard with respect to that application.

Petitioner believes that the Department failed to act timely on an earlier application that she had submitted for FIP. She submitted evidence (Exhibit A, Page 9) that she attempted to complete an application, but it was not completed due to technical difficulties. On April 12, 2016, she sent a letter (Exhibit A, Pages 10-11) acknowledging that she had "been encountering numerous issues with the DHS website. Most recently, I tried repeatedly to complete the online application forms for reinstatement of the food and cash benefits (since completion and mailing of the forms to the prior worker didn't work), only to receive an error message each time (attached). Last spring I was told that a report would be made to IT, and that it would be fixed. Despite numerous complaints to the last worker, I'm still having various problems with the website." She provided additional screen shots (Exhibit A, Pages 12 and 13) reflecting those technical problems.

The Department has a responsibility to register applications. See BAM 110 (7/1/16), p. 19. That presumes, of course, that the Department receives the application. If the Department does not receive an electronic application, it cannot process it any more than it could process a paper application that is lost in the mail. Petitioner has not submitted any evidence to show that the Department received an application from her

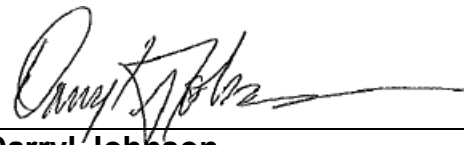
prior to July 11, 2016, and therefore there is no issue regarding such an application that can be adjudicated here.

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 acted in accordance with Department policy when it approved Petitioner's FIP application in the October 11, 2016, Notice of Case Action.

Accordingly, the Department's decision is **AFFIRMED**.

DJ/mc



Darryl Johnson
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]