



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: December 21, 2018
MAHS Docket No.: 18-011527
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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; 42 CFR 438.400 to 438.424; 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 December 17, 2018, from Detroit, Michigan. Petitioner represented himself. [REDACTED], served as the Bengali interpreter for the hearing. The Department of Health and Human Services (Department) was represented by [REDACTED], PATH Worker.

ISSUE

Did the Department properly deny Petitioner's [REDACTED], 2018 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] 2018, Petitioner submitted an application for FIP benefits.
2. On September 13, 2018, the Department sent Petitioner an Appointment Notice which notified Petitioner that he was scheduled for a telephone interview on September 19, 2018.
3. The Appointment Notice indicated that the Department would contact Petitioner on the day of the telephone interview.
4. The Department failed to contact Petitioner on September 19, 2018.

5. Petitioner made four unsuccessful attempts to contact the Department on September 19, 2018.
6. On October 23, 2018, the Department unsuccessfully attempted to reach Petitioner on two occasions.
7. Also, on October 23, 2018, the Department sent Petitioner a Notice of Case Action which notified Petitioner that his application for FIP benefits had been denied.
8. On November 2, 2018, Petitioner filed a Request for 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, Petitioner applied for FIP benefits on [REDACTED], 2018. The Department testified that Petitioner was required to participate in a telephone interview. The Department sent Petitioner an Appointment Notice which notified Petitioner that his telephone interview was scheduled for September 19, 2018. The purpose of the interview is to explain program requirements to the applicant and to gather information for determining the group's eligibility. The interview is an official and confidential discussion. Its scope must be limited to both of the following:

- Collecting information and examining the circumstances directly related to determining the group's eligibility and benefits.
- Offering information on programs and services available through MDHHS or other agencies. BAM 115 (January 2018), p. 18.

Petitioner acknowledged that he received the Appointment Notice notifying him of the September 19, 2018 telephone interview. Petitioner testified that his assigned caseworker did not contact him on September 19, 2018. Petitioner further testified that on September 19, 2018, he made four unsuccessful attempts to contact his assigned caseworker and that he left two voicemails. Petitioner indicated that he did not receive a return telephone call.

Petitioner's assigned worker did not appear at the hearing. Therefore, Petitioner's testimony that he attempted to reach his assigned worker on September 19, 2018 is undisputed. Further, the case comments admitted into evidence does not contain an entry from Petitioner's assigned caseworker indicating that she made any attempts to contact him on September 19, 2018. Accordingly, it is found that Petitioner attempted to complete the interview process and as such, this application should not have been denied.

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 denied Petitioner's application for FIP benefits.

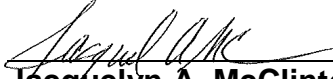
DECISION AND ORDER

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. Reregister and reprocess Petitioner's [REDACTED] 2018 application for FIP benefits;
2. If Petitioner was eligible to receive supplements, issue FIP supplements to Petitioner that he was eligible to receive but did not; and
3. Notified Petitioner in writing of its decision.

JAM/tlf



Jacquelyn A. McClinton
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) 763-0155; 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

Via Email:

[REDACTED]

Petitioner – Via First-Class Mail:

[REDACTED]