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STATE OF MICHIGAN STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

Claimant

Reg. No.: 2009-12204 Issue No.: 1005 Case No.: Load No.: Hearing Date: February 26, 2009 Genesee County DHS (6)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9;

MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After

due notice, an in person hearing was held on February 26, 2009. The Claimant personally

appeared and testified.

ISSUE

Did the Department properly deny the Claimant's Family Independence Program (FIP)?

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 November 24, 2008, the Claimant applied for FIP. (Department exhibit pp.1-16).
- On December 3, 2008, and on December 15, 2008, the Department sent the Claimant a verification checklist requesting, among other items, verification that the Claimant had applied for unemployment benefits (UCB). Verification was due December 26, 2008. (Department exhibit pp17-18).

- On January 13, 2009, the Department sent the Claimant an eligibility notice denying her FIP for failure to provide proof of application for UCB.
- 4. On January 20, 2008, the Claimant filed a request for a hearing.

CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal

Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193,

8 USC 601, et seq. The Department of Human Services (formerly known as the Family

Independence Agency) administers the FIP program pursuant to MCL 400.10, et seq., and MAC

R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program

effective October 1, 1996. Department policies are found in the Program Administrative Manual

(PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

In the instant case, the Department requested that the Claimant provide documentation

that she had applied for UCB benefits. Relevant department policy states:

FIP, SDA, AMP and MA Only Except PEM 125

Clients must apply for benefits for which they may be eligible. This includes taking action to make the entire benefit amount available to the group. Any action by the client or other group members to restrict the amount of the benefit made available to the group causes ineligibility. (PEM270, p. 1).

And;

Obtaining Verification

All Programs

Tell the client what verification is required, how to obtain it, and the due date (see "Timeliness Standards" in this item). Use the DHS-3503, Verification Checklist, or for MA re-determinations, the DHS-1175, MA Determination Notice, to request verification.

Use the DHS-3503C, Verification Checklist for Citizenship/Identity to request documentation of citizenship or identity for FIP, SDA, and Medicaid determinations.

The client must obtain required verification, but you must assist if they need and request help. (PAM 130, pp. 2-3)

Here, the department twice noticed the claimant requesting UCB information to no avail.

At the hearing the claimant stated that her doctor had placed her on bed rest and it was

this fact that caused her inability to comply with the department's request. However, the

claimant was unable to provide any concrete evidence of her physician's orders.

I cannot find that claimant had good cause for failing to provide the requested

verification. I find the department correct in denying the claimant's FIP application.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of

law, AFFIRMS the Department's action in the instant case.

<u>/s/_____</u>

Michael J. Bennane Administrative Law Judge for Ismael Ahmed, Director Department of Human Services

Date Signed: _03/26/09_____

Date Mailed: _03/26/09_____

NOTICE: Administrative Hearings 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. Administrative Hearings 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.

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 was made, within 30 days of the receipt date of the rehearing decision.

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