

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Claimant,

Reg No: 2009-12650

Issue No: 1021

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

March 31, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing received by the Department on January 23, 2009. After due notice, a telephone hearing has conducted from Detroit, Michigan on March 31, 2009. The Claimant appeared and testified. [REDACTED], FIM appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's FIP case due to failure to return income verification.

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds a material fact:

1. The Claimant submitted an application for FIP benefits on 12/4/08.
2. The Claimant left a message for the Department on 1/8/09 inquiring about the status of her application and also indicating that she had found employment.

3. The Department caseworker then mailed a verification of employment request to Claimant on 1/9/09 to [REDACTED] (Exhibit 1, pp. 3-5).
4. Claimant testified that in January, she was homeless and was staying with a couple different friends. Claimant further testified that she was required to leave the [REDACTED] address as the friends staying there lost their housing.
5. Claimant testified that she never received the income verification form.
6. Claimant testified that she has not had any income since she applied for FIP benefits through the present.
7. Claimant testified that she attempted to contact the Department several times after her message of 1/8/09, but that the only person with whom she was able to leave a message was her Work First caseworker.
8. The Department denied Claimant's application for FIP benefits on 1/20/09 for failure to return the income verification forms. (Exhibit 1, pp. 1-2).
9. On January 30, 2009, the Department received the Claimant's Request for Hearing protesting the denial of the FIP benefits.

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 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").

PEM 505 dictates the types of verification required for various income sources. PEM 505. Claimant should be allowed 10 calendar days to provide the verification requested. If the client cannot provide the verification despite a reasonable effort, the time limit can be extended up to three times. PAM 130, p. 4. Before determining eligibility, the Department is required to give the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source. PAM 130, p. 6. A negative action is a DHS action to deny an application or to reduce, suspend or terminate a benefit. Negative actions should be in writing. PAM 220, p. 1.

In this case, the Claimant testified that she never received the request for verification due to her frequent change of address. Claimant further testified that she attempted to contact her caseworker but was unable to get through to leave a message directly with the caseworker. Claimant left a message indicating that she had found employment, but she also inquired about the status of her application on the same day. The Department never verified that Claimant received the verification form or extended the time limit to allow Claimant to complete the form. The Department should have given Claimant an opportunity to resolve this discrepancy before denying the application.

This ALJ cannot find that Claimant failed to cooperate since Claimant did not receive the verification checklist. Further, the Claimant did make attempts to contact the Department to assist in the completion of the application. Accordingly, it is found that the Department's termination of the Claimant's FIP benefits is REVERSED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that there was insufficient evidence presented to affirm the Department's actions.

Accordingly, it is held:

1. The Department's determination to deny Claimant's application for FIP benefits is REVERSED.
2. The negative action of 1/20/09 shall be deleted.
3. Claimant's 12/4/08 FIP application shall be reinstated and continued to open and the Department shall supplement the Claimant for any lost benefits (if any) she was otherwise entitled to receive.

/s/

Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 04/07/09

Date Mailed: 04/07/09

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 mailing 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.

JV/dj

cc:

[REDACTED]