

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: 2009-15619  
Issue No: 1005  
Case No. [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
April 16, 2009  
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Tyra L. Wright

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon Claimant's request for a hearing. After due notice, a hearing was held on April 16, 2009. The Claimant personally appeared and testified. A family independence manager represented the Department.

ISSUE

Did the Department properly deny Claimant's Family Independence Program (FIP) application for failure to attend an initial interview?

FINDINGS OF FACT

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

- (1) Claimant applied for FIP benefits on December 16, 2008. (Exhibit 1).
- (2) The Department sent Claimant a Verification Checklist, form DHS-3503, on January 12, 2009. The checklist informed Claimant that an interview had been scheduled for January 23, 2009 at 10:00 am at the Taylor District Office.

- (3) Claimant did not attend the meeting.
- (4) Claimant contends that she never received the Verification Checklist and, therefore, did not know that an interview had been scheduled.
- (5) On January 26, 2009, the Department sent Claimant an Application Eligibility Notice, form DHS-1150, stating that her FIP application had been denied for failure “to provide verification/attend required appointment.” (Exhibit 3).
- (6) Claimant disagreed with the Department’s determination to deny her application on the grounds that she applied for cash assistance and was never contacted again until she received the notice that her application had been denied.
- (7) The Department received Claimant’s hearing request on March 4, 2008. (Exhibit 4).

#### 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).

#### **CLIENT OR AUTHORIZED REPRESENTATIVE RESPONSIBILITIES**

##### **Responsibility to Cooperate All Programs**

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of necessary forms. (PAM 105, p. 5)

## **Refusal to Cooperate Penalties**

### **All Programs**

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. (PAM 105, p. 5)

## **Failure to Complete the Application Process**

### **All Programs**

You **cannot** deny an application due to incompleteness until 10 calendar days from the **later** of:

- Your initial request in writing to the applicant to complete the application form or supply missing information, **or**
- The initial scheduled interview.

***Exception:*** For FAP, you **cannot** deny an application due to a **missed initial interview** until the **30th** day after the application date. You **cannot** deny an application for failure to provide verifications or complete the application process until the 30th day if the client has **not** attended the initial interview. (PEM 115 p.4)

Under PEM 105, Claimant has the responsibility to cooperate with the Department. In this case, Claimant did not attend the initial interview after applying for FIP benefits. Claimant contends that she did not receive the Verification Checklist that was intended to notify her that an interview had been scheduled for January 23, 2009. Her testimony was credible. Therefore, it is found that Claimant did not fail to cooperate with the Department because she did not receive notice that an initial interview had been scheduled.

In addition, under PEM 115, the Department **cannot** deny an application due to incompleteness until 10 calendar days from the **later** of an initial request in writing to the applicant to complete the application form or supply missing information, **or** the initial scheduled interview. In this case, the initial scheduled interview was to take place January 23, 2009 and Claimant's case was denied three days later on January 26, 2009. Under these circumstances, it is found that Claimant's application should not have been denied for failure to attend the initial interview.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department improperly denied Claimant's FIP application. Accordingly, the Department's action is REVERSED. The Department is ORDERED to schedule another initial interview for Claimant and determine whether she is eligible for FIP benefits. If so, the Department is ORDERED to open her case to the date of her original application and issue any retroactive benefits she would have been eligible to receive if her application had not been denied.

/s/  
\_\_\_\_\_  
Tyra L. Wright  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: 04/21/09

Date Mailed: 04/22/09

**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.

TW/dj

cc: A. Hunt  
Wayne County DHS (Dist #18) / DHS-1843  
M. J. Mathisen  
G. Fournier  
T. Wright  
Administrative Hearings (2)