

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.: 2009-34634

Issue No.: 1005/3000

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

October 15, 2009

Wayne County DHS (35)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400. 9; MCL 400.37 upon claimant's request for a hearing. After due notice a telephone hearing was held on October 15, 2009 claimant was present and testified, [REDACTED] FIS and [REDACTED] FIM appeared for the department and testified.

ISSUE

Is the department correct in closing claimant's FIP benefits?

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 was a recipient of FIP benefits.
- (2) The department received an application for the same address where claimant was residing and claimant was not included on the application.
- (3) Notice of case action informing claimant that her FIP benefits would close was sent to claimant on August 4, 2009.

- (4) Claimant requested a hearing on August 13, 2009 contesting the closure of FIP and FAP benefits.
- (5) Claimant's FIP benefits were closed on 8/18/2009 because the department was unable to locate claimant.
- (6) Claimant testified that she reported a change of address to the change reporting system at the end of June.
- (7) Claimant had requested a hearing regarding FAP also but at hearing that she wished to abandon her appeal because she was satisfied with the action the department had taken with regard to FAP.

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 (DHS or Department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependant 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).

Clients must cooperate with the local office in determining initial and ongoing eligibility to provide verification. PAM 130, p. 1. The questionable information might be from the client or a third party. Id. The Department can use documents, collateral contacts or home calls to verify information. Id. The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide should be extended at least once. PAM 130, p.4; PEM 702. If the client refuses

to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. PAM 130, p. 4. Before making an eligibility determination, however, the department must give the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source. PAM 130, p. 6.

In the present case, claimant credibly testified that reported her change of address to the change reporting system. The department presented no evidence to refute this testimony. Therefore the department has not shown that claimant failed to disclose her change of address and the closure of FIP benefits was improper. Claimant's benefits should be restored as of the date of the closure.

It should also be noted that claimant's benefits should have continued pending this hearing because she requested hearing within the requisite time. The department did not have an adequate explanation as to why benefits did not continue.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the department was incorrect in the closure of FIP benefits, and it is ORDERED that the department's decision in this regard be and is hereby REVERSED.



Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 11/02/09

Date Mailed: 11/02/09

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 60 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.

AM/jlg

cc:

