

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: 2009-37024
Issue No: 1005
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 28, 2009
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 October 28, 2009.

ISSUE

Was the claimant's E-FIP case properly placed into closure for a failure to provide verifications of a job loss?

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 an E-FIP recipient in Macomb County.
- (2) Claimant's E-FIP was due to be converted to TMA on September 1, 2009.
- (3) On August 5, 2009, claimant notified the Department that she was underemployed and needed to return to JET.

- (4) Claimant also requested to have her full FIP case reinstated.
- (5) On August 19, 2009, claimant contacted the Department again, and questioned why she had not been sent verification requests, placed back into JET, or had her FIP reinstated.
- (6) On August 27, 2009, 22 days after claimant had notified the Department of the change, and 3 days before claimant's E-FIP case would be termed, the Department sent claimant a DHS-3503 asking for verification of the job loss, with a due date of September 6, 2009.
- (7) Claimant's employer attempted to fax the information twice to the Department.
- (8) The Department never received the verifications.
- (9) On September 1, 2009, 5 days before the due date the Department had told the claimant, claimant's E-FIP termed, and claimant's FIP case was closed.
- (10) On September 16, 2009, claimant requested a hearing, alleging that her E-FIP should not have termed because the Department had been lax in sending out verification requests and was not responding to claimant's requests for more information.

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 Dependent Children (ADC) program effective October 1, 1996. Department

policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

The Department of Human Services (DHS or department) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

Families receive E-FIP for up to six months, with a grant of \$10, when loss of FIP eligibility relates to income from employment of a FIP program group member. BEM 519. When income decreases are known and results in regained FIP eligibility, verification of decreased income must be verified. Eligibility is determined through a claimant's verbal and written statements; however, verification is required to establish the accuracy of a claimant's verbal and written statements. Verification must be obtained when required by policy, or when information regarding an eligibility factor is incomplete, inconsistent, or contradictory. All sources of income must be verified. BEM 500.

Claimant notified the Department of the decrease in her income on August 5, 2009. Claimant's E-FIP case would reach its six month limit on September 1, 2009. Inexplicably, the Department delayed sending claimant the forms necessary to provide verification for more than three weeks. The Department testified that this was due to upcoming changes to the Department's computer system. Claimant provided evidence that her employer attempted to provide the Department with verification of the job loss, but her E-FIP case had already closed.

The great weight of the evidence shows that the claimant fulfilled her duty to report and provide income verifications. Any delay in processing, resulting in the closure of the E-FIP case was the fault of the Department. The Department may have been busy with the computer

switchover—however, this is not the fault of the claimant. The Department was clearly lax in sending claimant the required forms to provide verification, and showed unmitigated gall in their attempt to foist the blame for their own mistakes onto the claimant by allowing her E-FIP to close. The correct action was to send claimant the verifications in a reasonable amount of time—which, to be clear, is not three weeks later—process the income change, and restore claimant’s FIP.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department’s decision to close claimant’s FIP case was incorrect.

Accordingly, the Department’s decision in the above stated matter is, hereby, REVERSED.

The Department is ORDERED to reinstate claimant’s FIP case, retroactive to the date of case closure. All missed benefits are to be awarded retroactive to the date of case closure.



Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 12/17/09

Date Mailed: 12/21/09

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.

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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.

RJC/dj

cc:

