

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: 2009-10782

Issue No: 1021

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

February 23, 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 February 23, 2009. Claimant personally appeared and testified. The Department was represented by a family independence manager.

ISSUE

Did the Department act properly in closing Claimant's Family Independence Program (FIP) case on the grounds that she failed to timely submit a New Hire Report?

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 FIP recipient.
- (2) Claimant also works part time at [REDACTED].
- (3) The Department manager contends that Claimant failed to return a New Hire

Report form.

(4) Claimant contends that she was not asked to provide a New Hire Report and did not receive a New Hire Report from the Department.

(5) Claimant also disagreed with the Department's action on the grounds that she had reported her employment to a Department manager on October 27, 2008.

(6) The Department received Claimant's hearing request on January 6, 2009. (Exhibit 1).

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 for FIP are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

DEPARTMENT POLICY

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Obtain verification when:

Required by policy. PEM items specify which factors and under what circumstances verification is required.

Required as a local office option. The requirement **must** be applied the same for every client. Local requirements may **not** be imposed for MA, TMA-Plus or AMP without prior approval from central office.

Information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. The questionable information might be from the client or a third party. (PAM 130, pg. 1)

...

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). (PAM 130, pg. 2).

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Under PAM 130, when verification is sought, the client must be told “what verification is required, how to obtain it and the due date.” In this case, Claimant contends she was not told that she needed to submit a New Hire Report verification. The Department did not meet its burden of proving that Claimant was sent a New Hire Report and did not prove that she was told that such a report was due by November 18, 2008. Under these circumstances, it is found that the Department acted improperly in closing Claimant’s case on the grounds that she did not timely submit a New Hire Report.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department improperly sanctioned Claimant by closing the FIP case.

Accordingly, the Department’s action is REVERSED. The Department is ordered to calculate the benefits Claimant would have received had her FIP not been improperly closed and issue any retroactive FIP benefits that she is eligible to receive.

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

Date Signed: February 26, 2007

Date Mailed: March 3, 2009

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.

TLW/cv

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