

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: 2009-15890

Issue No: 1021, 3019

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

May 21, 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 February 29, 2009. After due notice, a telephone hearing was conducted from Detroit, Michigan on May 21, 2009. The Claimant and her husband appeared and testified. Tammy Hollins, FIM and Cecilia Howell, FIS appeared on behalf of the Department.

ISSUE

Whether the Department properly closed the Claimant's FIP, FAP and MA cases due to Claimant's failure to return shelter verification?

FINDINGS OF FACT

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

1. The Claimant was a FIP, FAP and MA recipient.
2. Claimant moved and properly reported her change of address to the change reporting center.

3. On 11/24/08, the Department sent a verification checklist and shelter verification to Claimant. Exhibit 1, p. 7. Shelter verification was the only thing requested in the verification checklist.
4. The Department testified that the shelter verification was mailed to Claimant's new address and was then returned to sender "unable to forward."
5. However, Exhibit 1, p. 6 shows the address of the returned envelope addressed to "Wayne County Department Change Reporting Center". Exhibit 1, p. 6.
6. Claimant's husband testified that he never received a phone call from the Department and that there is an answering machine in the home.
7. Claimant's husband testified that he and his family have been living in the home consistently since reporting the address change to the Department.
8. The Claimant's benefits were closed on 1/21/09.
9. On February 29, 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").

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.

The Department is required to verify shelter expenses at application and when a change is reported. If the client fails to verify a reported change in shelter, remove the old expense until the new expense is verified. PEMA 554, p. 10.

In this case, the Department mailed out shelter verification but it is unclear from Exhibit 1, p. 6 where it was actually mailed. Claimant testified credibly that her family has been living at the address listed with the Department. Claimant further testified that the phone number listed with the Department was correct and that there were no messages left on their answering machine. The undersigned finds that Claimant did not refuse to provide requested information. Furthermore, it was not Claimant's fault that he did not receive the shelter verification request.

Accordingly, it is found that the Department's termination of the Claimant's FIP, FAP and MA 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 close Claimant's FIP, FAP and MA benefits is REVERSED.
2. The negative action of 1/21/09 shall be deleted.
3. Claimant's FIP, FAP and MA shall be reinstated as of 1/21/09 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: 05/28/09

Date Mailed: 05/28/09

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:

