

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: 2009-22693
Issue No: 1005; 6019
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 27, 2010
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on March 31, 2009. After due notice, a telephone hearing was held on Thursday, May 27, 2010.

ISSUE

Whether the Department of Human Resources (Department) properly determined the Claimant's eligibility for Family Independence Program (FIP) and Child Development and Care (CDC) 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) The Claimant applied for FIP and CDC benefits on January 6, 2009.
- (2) The Department sent the Claimant a verification checklist on January 16, 2009, with a due date of January 27, 2009. Department Exhibit 1.

(3) The Department sent the Claimant a child support non-cooperation notice on February 5, 2009. Department Exhibit 3.

(4) On February 11, 2009, the Department denied the Claimant's application for FIP and CDC benefits for failure to submit requested verifications and information, and that the FAST survey was not completed. Department Exhibit 4.

(5) The Department received the Claimant's verification documents on February 27, 2009. Department Exhibit 2.

(6) The Department received the Claimant's request for a hearing on March 31, 2009, protesting the denial of her FIP and CDC 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 (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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

The Child Development and Care program is established by Titles IVA, IVE, and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. 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 found in the Bridges

Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of necessary forms. BAM 105, p. 5. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130, p. 1. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. BAM 130, p. 1. The Department uses documents, collateral contacts, or home calls to verify information. BAM 130, p. 1. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. BAM 130, p. 2. When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130.

Clients are allowed ten calendar days to provide the verifications requested by the Department. BAM 130, p. 4. The Department should send a negative action notice when the client indicates a refusal to provide the verification, or the time period provided has lapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 4. The Department should extend the time limit no more than once if the client cannot provide the verification despite a reasonable effort. BAM 130, p. 4.

The Claimant applied for FIP and CDC benefits on January 6, 2009. The Department sent the Claimant a verification checklist on January 16, 2009 requesting that she submit certain documents to the Department by January 27, 2009. The Department denied the Claimant's application for benefits on February 11, 2009 for failure to submit the requested verifications.

The Claimant testified that she had mailed her verification documents to the Department before January 27, 2009, and that they were returned to her by mail. The Claimant assumed that the Department had made copies of her verification documents, and returned the originals to her. After the Claimant received notice that the Department had denied her application, she faxed her verification documents to the Department on February 27, 2009. The Claimant argued that she unsuccessfully attempted to contact her caseworker during the eligibility determination process with questions about her application.

The Department testified that it is possible that verification documents the Claimant mailed to the Department were outdated on forms, and the Department may have returned them to her. The Claimant testified that she did not receive the forms she submitted from her caseworker. The Department stipulated that the verification documents received on February 27, 2009 were sufficient to process the Claimant's application, but it received them after it denied her application.

The Department has not established that the Claimant refused to reasonably cooperate with the determination of her eligibility for FIP and CDC benefits. The Department did not present evidence to contest the Claimant's argument that she had submitted her verification documents before the due date, and agreed that it may have returned the documents Claimant's to her.

The Department notified the Claimant on February 11, 2009 that her application for FIP and CDC benefits had been denied, and one of the reasons listed on this form was that a FAST survey had not been completed. The Department stipulated that the Claimant completed the FAST survey timely and that this was not a factor in the denial of the Claimant's application for assistance.

The Claimant argued that she had cooperated with the Department's Office of Child Support. A representative of the Department's Office of Child Support was not present for the hearing and the Department did not present any evidence of a failure to cooperate other than the non-cooperation notice dated February 5, 2009. The Department has not established that the Claimant failed to cooperate with the Office of Child Support.

The Department has not established that the Claimant failed to reasonably cooperate, or that it acted according to policy when it denied her application for FIP and CDC benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department failed to establish that the Claimant failed to reasonably cooperate with the Department's eligibility determination process.

Accordingly, the Department's FIP and CDC eligibility determination is REVERSED. It is further ORDERED that the Department shall:

1. Determine the Claimant's eligibility for FIP and CDC benefits as of January 6, 2009.
2. Issue the Claimant any retroactive benefits she may be eligible for, if any.
3. Notify the Claimant of the Department's eligibility determination.

/s/ _____
Kevin Scully
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 11, 2010

Date Mailed: June 15, 2010

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.

KS/vc

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