

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: 2009-5866

Issue No: 1005

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

March 25, 2009

Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 March 25, 2009. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly deny Claimant's application for Family Independence Program (FIP) benefits due to her failure to provide required verifications?

FINDINGS OF FACT

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

(1) On September 18, 2008, claimant submitted an application for Family Independence Program (FIP), Food Assistance Program (FAP), and Medical Assistance (MA) benefits. Claimant was immediately approved for Food Assistance Program (FAP) and Medical Assistance (MA) benefits. Claimant was given a Verification Checklist (DHS Form 3503) of

verifications needed to determine her eligibility for Family Independence Program (FIP) benefits. The requested information was due back on September 28, 2008.

(2) On October 7, 2008, claimant was sent an Application Eligibility Notice form (DHS-1150) which stated her Family Independence Program (FIP) benefits were denied due to “no verifications provided.”

(3) On December 8, 2008, claimant submitted a request for hearing along with a copy of the Verification Checklist (DHS Form 3503) dated September 18, 2008, and numerous documents of verification requested on the checklist.

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

In this case claimant asserts that with the exception of birth certificates, she dropped off all the required verifications on September 26, 2008. Claimant described that she spoke to the receptionist, the receptionist made copies of the documents for her, that the receptionist directed her to drop the documents in the drop box, and that she did just that.

The department representative testified that the local office does have a log book for customers to sign of proof that they have dropped off documents. Claimant testified that she was not instructed to sign any log and that she did not see any such log on September 26 or on December 8 when she dropped of the request for hearing and documentation.

Department policy provides the following guidance for caseworkers. The department's policies are available on the internet through the department's website.

PAM 130 VERIFICATION AND COLLATERAL CONTACTS

DEPARTMENT POLICY All Programs

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.

Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level.

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). Use the DHS-3503, Verification Checklist, or for MA redeterminations, the DHS-1175, MA Determination Notice, to request verification.

The client must obtain required verification, but you must assist if they need and request help. If neither the client nor you can obtain verification despite a reasonable effort, use the best available information. If **no** evidence is available, use your best judgment.

Timeliness of Verifications CDC, FIP, FAP

Allow the client 10 calendar days (**or** other time limit specified in policy) to provide the verification you request. If the client cannot provide the verification despite a reasonable effort, extend the time limit at least once.

Verifications are considered to be timely if received by the date they are due. For electronically transmitted verifications (e.g., fax, email), the date of the transmission is the receipt date.

Verifications that are submitted after the close of regular business hours through the drop box or by delivery of a DHS representative are considered to be received the next business day.
Send a negative action notice when:

- The client indicates refusal to provide a verification, **or**
- The time period given has elapsed and the client has **not** made a reasonable effort to provide it.

The evidence in the record does not convince this Administrative Law Judge by a preponderance that claimant dropped off verifications on September 26, 2008. In the absence of an established fact that claimant met the deadline, the evidence shows that the department followed its policy in denying claimant's application for Family Independence Program (FIP) benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly denied claimant's application for Family Independence Program (FIP) benefits due to her failure to provide required verifications.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHHELD.

/s/ _____
Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 26, 2009

Date Mailed: March 30, 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.

GFH [REDACTED]

cc:

[REDACTED]