

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 201027029
Issue No: 1005; 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 19, 2010
Wayne 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 May 19, 2010.

ISSUE

Were the claimant's FIP, CDC, and MA applications properly denied for a failure to return 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) Claimant applied for FIP and CDC assistance in Wayne County.
- (2) At the initial application, claimant provided the Department with some pay check stubs, but these pay check stubs were insufficient to verify income.
- (3) Claimant was sent a verification checklist on February 20, 2009, with a due date of March 2, 2009.

- (4) This verification form requested, among other things, verification of income.
- (5) Claimant received this checklist.
- (6) Claimant did not return the requested verifications.
- (7) Because claimant did not return verifications of income, the application for assistance was denied on March 8, 2010.
- (8) On March 9, 2010, claimant requested a hearing.

CONCLUSIONS OF LAW

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 contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

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).

An application or redetermination is considered incomplete until it contains enough information to determine eligibility. BAM 115. 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. An application that remains incomplete may be denied. BAM 130. A change in income that could increase benefits must be verified. BEM 500. If the claimant cannot provide verification despite a reasonable effort, the time limit is to be extended at least one time. BAM 130.

With regard to claimant's FIP and CDC application, the undersigned notes that the claimant did attend an initial interview, and did attempt to provide sufficient verification. However, according to Department testimony, this information was insufficient to determine eligibility. Claimant was therefore sent a verification checklist in February; claimant had until March 2, 2010 to return the requested income verifications.

After considering the testimony in the case, the undersigned holds that claimant has failed to meet her burden of proof in showing that she returned the verifications. The undersigned did not find claimant's testimony that she had turned in her verifications sometime between the middle of January and the middle of March credible. At several points, claimant referred to verifications that she had turned in during the month of April; however, these verifications were for a separate case and were not relevant to the case at hand.

Claimant could not point to a specific date where she had provided verifications, nor was she able to provide any specificity as to the manner in which she turned in her verifications, and the Department had no documentation showing that claimant had

turned in these verifications. When questioned directly, claimant could only point to an extremely broad point in time as to when these verifications were submitted. Claimant's testimony was inconsistent in stating exactly what was submitted. Therefore, the undersigned is unable to assign significant credibility to claimant's statements, and thus, must hold that there is no evidence that claimant submitted said verifications.

As there is no evidence that claimant provided the requested verifications, the undersigned holds that claimant has not met her burden of proof in showing that she returned the required form. Therefore, the undersigned holds that the Department was correct when it denied claimant's assistance application, as the Department did not have enough information to determine eligibility.

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 deny claimant's FIP and CDC application was correct.

Accordingly, the Department's decision in the above stated matter is, hereby, AFFIRMED.



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

Date Signed: 08/23/10

Date Mailed: 08/24/10

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.

RJC/dj

cc:

