

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

IN THE MATTER OF:



Reg. No: 201027358

Issue No: 1015

Case No:



Load No:

Hearing Date:

October 7, 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 October 7, 2010.

ISSUE

Did the Department of Human Services (DHS) correctly deny claimant's FIP application for excess income?

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 in Wayne County on December 16, 2009.
- (2) The Department used an earned income amount of \$779 in their FIP grant calculations.
- (3) No evidence was presented that the Department verified this income or allowed claimant a chance to show that she was not receiving this income.
- (4) Claimant's application was denied on December 18, 2009.

- (5) On January 16, 2010, claimant requested a hearing.

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) and the Bridges Reference Manual (BRM).

All sources of income must be verified. BAM 130.

Claimant applied for FIP benefits on December 16, 2009. At the time of application, the Department used pay records from the claimant that were accurate as of February 2008. There is no evidence in the case file that the Department attempted to verify that this income was correct, or that new income verification was requested from the claimant. Therefore, claimant's income was not verified.

Furthermore, claimant testified that she had not worked since November 2008.


Therefore, as the Department apparently made no effort to verify income, or even examine claimant's income, the Department's actions must be reversed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department decision to deny claimant's FIP application was incorrect.

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

The Department is ORDERED to reprocess claimant's FIP application retroactive to the date of application, and verify all income from the period in question before making a determination.



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

Date Signed: 10/13/10

Date Mailed: 10/15/10

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:

