

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

IN THE MATTER OF:



Reg. No: 201029827

Issue No: 1005

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

May 5, 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 5, 2010.

ISSUE

Was the claimant's FIP application properly denied for a failure to provide verifications of income or attend the JET program?

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 was a FIP applicant in Wayne County.
- (2) In February 2009, claimant attended an in-person interview with regard to her FIP application.
- (3) Claimant was unable to complete the interview.
- (4) On February 9, 2010, claimant was mailed a DHS-3503 instructing the claimant to provide age verification of a group member.

- (5) This verification was unnecessary.
- (6) On February 14, 2010, claimant's mail was returned to the Department as attempted, not known.
- (7) A second verification checklist for the FAP program was sent to the claimant on February 27, 2010 at the same address.
- (8) This verification request was received by the claimant and all necessary verifications were returned to the Department.
- (9) Claimant's FIP application was subsequently denied for failing to submit required verifications, and also, for failing to attend JET.
- (10) There is no evidence claimant was ever sent a notice of a mandatory JET appointment.
- (11) Claimant's caseworker testified that claimant had informed her that claimant had a college class the same day of JET orientation.
- (12) Claimant's caseworker took this as a refusal to attend JET.
- (13) On April 6, 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).

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. BAM 130. Verifications are due ten days after the initial request; however, this time limit may be extended at least once upon request. BAM 130. An application is considered incomplete until all required information is submitted. BAM 130. An incomplete application may be denied. BAM 130. Individual statements regarding age are to be accepted at face value; verification is only required if the individual's statement is inadequate or inconsistent. BEM 240.

In the current case, the Department contends that claimant did not return required verifications of age necessary to process a FIP application.

Claimant contends that she did not receive the verifications.

The undersigned, after reviewing the evidence holds that, while it is indisputable that the claimant did not receive the verification request—most likely due to postal service error—the main question should be whether or not the verification requested was even required.

An application is incomplete until all required information is submitted; conversely, an application must be complete if all required information had been submitted. The Department contended that only a verification of age of a group member was required to process claimant's application. However, BEM 240 states that age verification is only required if the statement as to age is inadequate or inconsistent. There is no evidence in the current fact pattern that this was the case. Therefore, verification of age was not required, and therefore, the Department made an error by

requesting this information and refusing to process claimant's case when it did not receive the information in question.

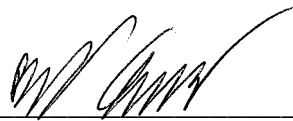
With regard to the alleged noncompliance with the JET program, the undersigned will only note that there is no evidence that the claimant was ever assigned to the JET program in the first place. A claimant cannot be said to have refused or failed to appear at JET if the claimant was never assigned to JET. Therefore, the Department was in error when it failed to process claimant's FIP application for failing to attend JET.

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 application was incorrect.

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

The Department is ORDERED to process claimant's FIP application retroactively to the date of the negative action. The Department is FURTHER ORDERED to issue any supplemental benefits to the claimant for which she is otherwise eligible to receive.



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

Date Signed: 08/18/10

Date Mailed: 08/18/10

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:

