

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.: 2010-37260
Issue No.: 1005
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
June 23, 2010
Wayne County DHS (19)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 telephone hearing was conducted from Detroit, Michigan on June 23, 2010. Claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Manager, appeared and testified.

ISSUE

Whether DHS properly terminated Claimant's Family Independence Program (FIP) benefits due to Claimant's failure to verify identity of her child.

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 an ongoing FIP recipient.
2. On an unspecified date, DHS requested verification of the identity of Claimant's 16 year old daughter.
3. DHS alleges that Claimant failed to respond to the request for verification.

4. DHS mailed Claimant a notice of FIP benefit termination on 12/15/09.
5. Claimant submitted a hearing request on 1/6/10 regarding termination of FIP 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 (formerly known as the Family Independence Agency) 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 Reference Tables Manual (RFT).

DHS had difficulty establishing the basis for Claimant's FIP benefit termination. The DHS Hearing Summary hinted that Claimant's FIP benefits closed because Claimant continuously failed to participate with a required Jobs, Education and Training (JET) program. The DHS testimony indicated that Claimant's FIP benefits were terminated due to a failure to verify the identity of her sixteen year old child. The undersigned accepts the DHS testimony that Claimant failed to verify identity of her daughter as the reason that DHS terminated Claimant's FIP benefits.

Identity must be verified for the head of household. BEM 221 at 1. Also, identity must be verified for non-citizens if it is questionable. *Id.* There is no other basis to verify identity for FIP benefit recipients.

FIP recipients automatically receive Medicaid as part of their benefits. BEM 105 at 1. Identity of Medical Assistance (MA) benefit recipients is required when the recipient turns sixteen years old. *Id.* Note that this verification is required for MA benefits, not FIP benefits. The

DHS computer system, Bridges, may have requested verification of Claimant's child's identity after the child turned sixteen on the basis of the MA policy. Bridges may have affected the FIP benefits as the Medicaid is tied into the FIP benefits. However, DHS policy does not support terminating Claimant's FIP benefits for failing to verify identity of her child. It is found that DHS improperly terminated Claimant's FIP benefits due to Claimant's alleged failure to verify identity of her child.

DECISION AND ORDER

The actions taken by DHS are REVERSED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly terminated Claimant's FIP benefits. It is ordered that DHS: reinstate Claimant's FIP benefits from the date of FIP benefit closure, remove any disqualifications related to the closure and to restore any benefits lost as a result of the closure.



Christian Gardocki
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 6/24/2010

Date Mailed: 6/24/2010

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 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 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.

CG/jlg

cc:

