

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2010-38399
Issue No.: 1005
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 25, 2010
Macomb County DHS (20)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on October 25, 2010. The claimant appeared and testified. The Department's representative [REDACTED], FIS also appeared and testified on behalf of the Department.

ISSUE

Whether the Department properly closed the Claimant's Family Independence Application due to Claimant's failure to return the requested verification information in a timely manner by the due date?

FINDINGS OF FACT

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

1. The claimant applied for medical assistance for herself and her children as well as cash assistance on September 18, 2009.
2. The Department met with the claimant when she applied for Family Independence Program Cash Assistance benefits. The Claimant received the Verification Checklist on the date she filed her application for assistance.
3. The verification checklist was given to the claimant at a face-to-face meeting with her case worker on the date of her application and the requested information that was required to be submitted was explained to the claimant.

4. The claimant's case worker advised the claimant to return the information by the due date and specifically to return the information to the caseworker directly noting her name on the information.
5. The verification checklist requested that the claimant provide various items including proof of assets, disability, household heat and utility obligation, and proof of birth of her children. Exhibit 1.
6. The verification checklist required that the information be returned by September 28, 2009. Exhibit 1.
7. The claimant did not return the requested information, the department did receive shelter information on November 3, 2009 and further information on the claimant's health status all of which was received after due date.
8. The claimant testified that she gave the information to be filed to a case manager, however, this individual did not work for the Department Of Human Services.
9. The claimant further testified that she returned the information personally but was not sure of the date she returned information. The claimant further testified that she dropped the information at the front desk before the due date.
10. The Department Issued a Notice of Case Action on November 6, 2009 which denied claimant's application for cash assistance based on her failure to return the requested verification information. Exhibit 2.
11. The Claimant requested a hearing on December 30, 2009 which was received by the department on January 4, 2010.

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 R400.3101-3131. 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).

Clients must cooperate with the local office in determining initial and ongoing eligibility to provide verification. BAM 130, p. 1. The information might be from the client or a third party. Id. The Department can use documents, collateral contacts or home calls to verify information. Id. The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide should be extended at least once. BAM 130, p.4; BEM 702. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. BAM 130, p. 4. Before making an eligibility determination, however, the department must give the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source. BAM 130, p. 6.

In this case, the Department provided the claimant a verification checklist requesting the claimant provide the Department with information to establish various items including assets which required her to provide her bank account information as well as a number of other items. The verification checklist was given to the claimant at a face-to-face meeting with her case worker on the date of her application and the requested information that was required to be submitted was explained to the claimant. The claimant was also advised specifically to submit all the requested information to her then caseworker directly, by noting her caseworker's name on the submitted information. The claimant did not provide any information until almost a month after the due date. The claimant did not provide proof of assets and thus her application for Cash Assistance was properly denied. The claimant did not respond to the Verification Checklist by the due date, September 28, 2009, and only provided some of the information by November 3, 2009. This decision is also influenced by the fact that the claimant could not state with any specificity or definitively regarding the date on which she dropped off the information on two occasions. The claimant's testimony was confusing and unclear in this regard and therefore does not support a finding that the claimant met the verification deadline.

Based upon these facts and circumstances it is found that the Department did properly deny the claimant's application for Cash Assistance for failure to respond to the verification checklist in a timely manner.

The undersigned finds that Claimant did not provide the requested information sought by the Verification Checklist by the due date and therefore the Department appropriately denied claimant's application for Cash Assistance.

Based upon the foregoing facts and relevant law, it is found that the Department's decision is correct in properly denied the claimant's application for the reason that the Claimant did provide the requested information required by the verification checklist by the due date.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the evidence presented at the hearing did support the decision of the Department to deny the claimant's application for Cash Assistance and therefore the department's decision must be AFFIRMED.



Lynn M. Ferris
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 10/26/2010

Date Mailed: 10/26/2010

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 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.

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