

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: 2010-39433
Issue No: 1005
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 1, 2010
Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Morris

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 held on September 1, 2010. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly deny the claimant's Family Independence Program (FIP) application for failure to complete the application and attend the in-person interview?

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 submitted an unsigned assistance application on November 16, 2009. (Department Exhibit 2 – 17)
2. The department mailed the claimant an Appointment Notice (DHS-170) on December 16, 2009, scheduling an in-person appointment for January 6, 2010. (Department Exhibit 18)

3. The claimant did not attend the scheduled appointment. The department mailed the claimant a Notice of Case Action (DHS-1605) on January 7, 2010, informing the claimant that her FIP application was denied. (Department Exhibit 19 – 21)

4. The claimant submitted a hearing request on January 26, 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 (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 Program Reference Manual (PRM).

Department policy states:

CLIENT OR AUTHORIZED REPRESENTATIVE RESPONSIBILITIES

Responsibility to Cooperate

All Programs

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. PAM, Item 105, p. 5.

Refusal to Cooperate Penalties

All Programs

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. PAM, Item 105, p. 5.

Verifications

All Programs

Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See PAM 130 and PEM 702. PAM, Item 105, p. 8.

Assisting the Client

All Programs

The local office must assist clients who ask for help in completing forms (including the DCH-0733-D) or gathering verifications. Particular sensitivity must be shown to clients who are illiterate, disabled or **not** fluent in English. PAM, Item 105, p. 9.

Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level. PAM, Item 130, p. 1.

In this case, the claimant is disputing the denial of her FIP application. The claimant applied for FIP on November 16, 2009, with an unsigned application. Department policy indicates that an unsigned application is not complete and can not be processed or registered. BAM 115. The claimant was required to participate in an in-person interview for FIP benefits. BAM 115. Therefore, the department mailed the claimant an Appointment Notice (DHS-170), scheduling the interview for January 6, 2010 at 3:30 pm. The claimant does not deny that she received the appointment notice. However, she did not show up for the appointment. The department then denied the claimant's case for failure to provide the required verifications, as the application was not signed and the claimant did not participate in the required interview.

The claimant testified that she called the department to attempt to reschedule the interview, but never got a return call back. The claimant further testified that she had classes and couldn't get to the department on time. The claimant provided a statement from an Admissions Representative at [REDACTED] that indicates the claimant attended classes Monday through Thursday from 8:50 am – 2:50 pm.

However, even if the claimant did attend school until 2:50 pm, it is unlikely that she couldn't have made it to the department for a 3:30 pm interview. Even if the claimant was a little late, the department worker could have held the interview.

The department worker testified that she had no recollection of receiving telephone calls from the claimant requesting to reschedule the interview. Further, there is no documentation of any such calls on the notes page of the assistance application. The case worker wrote down several different notes on this page. If the claimant had called to reschedule the appointment, it would have been documented.

The claimant must cooperate with the local office in determining initial and ongoing eligibility. BAM 105. In this case, the claimant not only failed to sign the application, but also failed to show up for the in-person interview, which is required by policy. Thus, the department properly denied the claimant's application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly denied the claimant's application for FIP benefits due to her failure to sign the assistance application and attend the required in-person interview.

Accordingly, the department's actions are UPHELD. SO ORDERED.

/s/

Suzanne L. Morris
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 28, 2010

Date Mailed: September 30, 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.

SLM [REDACTED]

cc: [REDACTED]