

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: 20104446
Issue No: 1021
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 27, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

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 received by the Department on October 9, 2009. After due notice, a hearing was conducted on January 27, 2010. The Claimant appeared and testified. Claimant was represented by [REDACTED]. Dwight Seay, FIS appeared on behalf of the Department.

ISSUE

Whether the Department properly closed the Claimant's Family Independence Program ("FIP") case effective October 26, 2009?

FINDINGS OF FACT

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

1. The Claimant applied for FAP, FIP, and MA benefits in July, 2009.

2. FIP benefits were approved in June, never paid, and eventually closed. The Department was unable to provide a reason for the FIP closure.
3. Claimant submitted an original verification checklist with a due date of 6/22/09 indicating that Claimant had applied for FIP benefits. (Exhibit 2, p. 2).
4. Claimant testified that she submitted the information requested on the verification checklist and that she signed in to the log book on the date that she submitted them.
5. Claimant testified that she never received any type of denial and the Department did not have any type of denial in the file.
6. Claimant reapplied on 12/10/09 and FIP payments began on the second application in January of 2010.
7. On October 9, 2009, the Department received the Claimant's Request for Hearing protesting the closure and nonpayment of the 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 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 ("RFT").

Clients must cooperate with the local office in determining initial and ongoing eligibility to provide verification. BAM 130, p. 1. The questionable 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. PAM 130, p. 6.

In this case, Claimant testified credibly that she provided all the appropriate information to the Department as requested. Claimant's FAP case was opened, and it is unclear from the Department why the Claimant's FIP case closed or why Claimant never received any FIP benefits. Claimant is entitled to receive a supplemental payment of FIP benefits. However, in calculating that supplement, the Department shall recalculate the FAP benefits awarded to include the FIP income and take into the account in the reduction of FAP benefits when issuing a supplement.

Accordingly, it is found that the Department's closure of the Claimant's FIP benefits is REVERSED.


DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that there was insufficient evidence presented to affirm the Department's actions.

Accordingly, it is held:

1. The Department's determination to close Claimant's FIP benefits is REVERSED.

2. Any negative action associated with the closure of FIP benefits on or around July, 2009 shall be deleted.
3. Claimant's FIP shall be reinstated as of the date of closure and the Department shall supplement the Claimant for any lost benefits pursuant to Department policy she was otherwise entitled to receive from the date of application through January, 2010.


Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 03/09/10

Date Mailed: 03/11/10

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.

JV/dj

cc:

