

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

IN THE MATTER OF:



Reg. No: 2010 44568
Issue No: 1005-5022
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 25, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 October 25, 2010. Claimant appeared and testified.

ISSUE

Did the Department properly deny Claimant's Family Independence Program (FIP) application for failure to provide verifications? Did the Department properly deny the Claimant's SER application?

FINDINGS OF FACT

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

1. March 10, 2010, Claimant applied for SER and FIP.
2. March 10, 2010, the Department requested verifications.
3. March 17, 2010, denied SER for not being the owner of the home. The Claimant had not submitted or responded to the verification request by this date and the Department used a property tax document in the file which failed to indicate the Claimant as the owner.
4. March 22, 2010, due date for verifications.
5. April 2010, denied FIP application.

6. On May 1, 2010, the Claimant requested a hearing.
7. August 2010, received part of the requested verifications.

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The State Emergency Relief (SER) program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, *et seq.*, and by final administrative rules filed with the Secretary of State on October 28, 1993. MAC R 400.7001-400.7049. Department of Human Services policies are found in the State Emergency Relief Manual (SER).

Relevant policy can be found in BAM Item 130, pp.1-3:

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements.

Obtain verification when:

- Required by policy. PEM items specify which factors and under what circumstances verification is required.
- Required as a local office option. The requirement must be applied the same for every client. Local requirements may not be imposed for MA, TMA-Plus or AMP without prior approval from central office.
- Information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. The questionable information might be from the client or a third party.

Verification is usually required at application/re-determination and for a reported change affecting eligibility or benefit level.

Obtaining Verification

Tell the client what verification is required, how to obtain it, and the due date (see "Timeliness Standards" in this item). Use the DHS-3503, Verification Checklist, or for MA re-determinations, the DHS-1175, MA Determination Notice, to request verification.

Use the DHS-3503C, Verification Checklist for Citizenship/Identity to request documentation of citizenship or identity for Medicaid determinations.

The client must obtain required verification, but you must assist if they need and request help.

If neither the client nor you can obtain verification despite a reasonable effort, use the best available information. If no evidence is available, use your best judgment.

In the present case, the Claimant disputes the denial of her FIP and SER application. The Claimant applied for benefits. The Department issued a verification request and indicated the Claimant had until March 22, 2010 to provide the requested documents. On March 17, 2010, the Department denied the Claimant's SER application based upon finding a tax record in the file which failed to indicate the Claimant owned the property in question. It should be noted, the Claimant was given until March 22, 2010 to provide proof of ownership. The Department then denied the Claimant's FIP application in April 2010 for failure to return verifications. The Claimant indicated, at hearing, the records were in fact submitted but after the due date.

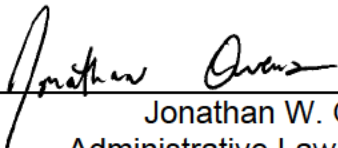
The Department failed to comply with policy by denying the Claimant's SER application prior to the due date for the records being requested. The Department used a record in the file previously to determine the Claimant was not the owner of the property. The Claimant was given until March 22, 2010 to provide verification of ownership and the Department prematurely denied the application on March 17, 2010. This is not supported by policy.

The Department, however, waited until after March 22, 2010 to deny the Claimant's application for FIP for a failure to provide verifications. The Claimant was unable to present any evidence she complied with the request for verifications. The Department appropriately requested verifications at application before processing and opening the Claimant's FIP case. The Claimant failed to provide the requested verifications within the timeframe given. Therefore, the Department appropriately denied the Claimant's application for FIP.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, determines the following:

1. The Department's denial of the Claimant's SER was contrary to policy, and therefore, the Department is ORDERED to reprocess the Claimant's application for SER.
2. The Department's decision regarding the Claimant's FIP application is AFFIRMED.


Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 11/03/10

Date Mailed: 11/03/10

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.

JWO/dj

cc:

