

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: 201046025

Issue No: 1005

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

September 9, 2010

Clare County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on May 10, 2010. After due notice, a telephone hearing was held on Thursday, September 9, 2010.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's eligibility for the Family Independence Program (FIP)?

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 Department submitted an application for FIP benefits on April 6, 2010. This application contains notes indicating that the Claimant has a medical condition affecting his eyesight.
2. The Department sent the Claimant a Verification Checklist on April 6, 2010, with a due date of April 16, 2010.
3. The Claimant contacted the Department by telephone on April 14, 2010, and requested an extension to submit his verification paperwork.

4. On April 19, 2010, the Claimant contacted the Department by telephone. The Department's records of this telephone message indicate that the Claimant needs help.
5. On May 6, 2010, the Department denied the Claimant's FIP application.
6. The Department received the Claimant's request for a hearing on May 10, 2010, protesting the Department's denial of his FIP application.

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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of necessary forms. BAM 105, p. 5. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130, p. 1. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. BAM 130, p. 1. The Department uses documents, collateral contacts, or home calls to verify information. BAM 130, p. 1. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. BAM 130, p. 2. When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130.

Clients are allowed ten calendar days to provide the verifications requested by the Department. BAM 130, p. 4. The Department should send a negative action notice when the client indicates a refusal to provide the verification, or the time period provided has lapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 4. The Department should extend the time limit no more than once if the client cannot provide the verification despite a reasonable effort. BAM 130, p. 4.

The client must obtain verification necessary to determine eligibility, but the Department must assist the client if they need and request help. BAM 130. If neither the client nor the Department can obtain the verification despite a reasonable effort, the Department will use the best available information, and if no evidence is available, the Department will use its best judgment. BAM 130.

The Claimant submitted an application for FIP benefits on April 6, 2010. This application contains notes indicating that the Claimant has a medical condition affecting his eyesight. The Department sent the Claimant a Verification Checklist on April 6, 2010, with a due date of April 16, 2010. The Claimant contacted the Department by telephone on April 14, 2010 and April 19, 2010. The Claimant requested an extension to submit his verification paperwork. The Department's case notes concerning the Claimant's contact on April 19, 2010, indicate that he "Needs Help." The Department denied the Claimant's FIP application on May 6, 2010, for failing to submit information necessary for the Department to determine eligibility for benefits.

The Claimant testified that he informed the Department that he was having difficulties obtaining copies of his bank records. The Claimant also testified that he informed the Department that he was having difficulties following the instructions on the Department's forms he received because of his poor eyesight.

The Claimant has established that he requested assistance from the Department with obtaining verification documents necessary to determine his eligibility for FIP benefits. The Department has not established that the Claimant refused to cooperate in the eligibility determination process.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department did not establish that the Claimant refused to provide information necessary to establish eligibility for FIP benefits.

Accordingly, the Department's FIP eligibility determination is REVERSED. It is further ORDERED that the Department shall:

1. Initiate a determination of the Claimant's eligibility for FIP benefits as of his application date of April 6, 2010, and provide the Claimant with assistance in getting needed verification as requested.
2. Provide the Claimant with written notification of the Department's revised eligibility determination.
3. Issue the Claimant any retroactive benefits she may be eligible to receive, if any.

/s/ _____
Kevin Scully
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 30, 2010

Date Mailed: October 1, 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 60 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.

KS/vc

cc:

