

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.: 20104892

Issue No.: 1021

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:
April 19, 2010

Macomb 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 July 29, 2009. After due notice, a telephone hearing was conducted from Detroit, Michigan on April 19, 2010. The Claimant appeared and testified. [REDACTED] JET Case Manager appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant Family Independence Program ("FIP") and Food Assistance Program ("FAP") benefits due to a failure to return verifications.

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 submitted an application for FIP benefits on May 15, 2009.

2. On June 30, 2009, the Department sent notice of a verification checklist requesting verification of child support received due by June 7, 2009. (Exhibit 2).
3. Claimant testified that at the time of application, there was a Friend of the Court recommendation for child support in the amount of \$168.00 per month.
4. Claimant testified that because her divorce was not yet finalized, she did not begin receiving any child support payments until January, 2010.
5. Claimant testified that she called the Department several times to discuss the lack of child support payments and never received a return phone call.
6. The Department denied Claimant's application for FIP and FAP benefits effective July 29, 2009 for failure to return the verification. (Exhibit 1).
7. On October 12, 2009, the Department received the Claimant's Request for Hearing protesting the denial of FIP and FAP 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").

The Food Assistance Program, formerly known as the Food Stamp ("FS") program, is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations ("CFR"). The Department of

Human Services (“DHS”), formally known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et. seq.* and MAC R 400.3001-3015. Departmental policies are found in the Bridges Administrative Manual (“BAM”), the BEM Eligibility Manual (“BEM”), and the Reference Tables (“RFT”).

A claimant should be allowed 10 calendar days to provide the verification requested. If the client cannot provide the verification despite a reasonable effort, the time limit can be extended up to three times. BAM 130, p. 4. Before determining eligibility, the Department is required to give the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source. BAM 130, p. 6. A negative action is a DHS action to deny an application or to reduce, suspend or terminate a benefit. Negative actions should be in writing. BAM 220, p. 1.

In the subject case, Claimant testified credibly that while she had a FOC recommendation for child support, she was not receiving any support when she received the verification request. Claimant attempted to contact her case worker in order to see how to answer the request, but was unable to talk to anyone before her benefits were denied. Nor could Claimant have received a FOC print out if support had not yet been ordered. Claimant testified credibly that she just began receiving support in January of 2010.


This Administrative Law Judge finds that Claimant did not refuse to submit verifications. Accordingly, based on the above referenced facts and conclusions of law, it is found that the Department’s denial of FIP and FAP benefits effective July 29, 2009 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 deny Claimant's application for FIP and FAP benefits effective 7/29/09 is REVERSED.
2. Claimant's 5/15/09 FIP application shall be reopened and processed as if never closed and any negative action associated with the close deleted. In order to process benefits, if Claimant is otherwise eligible, the Department shall determine any child support received in its calculation.
3. The Department shall supplement the Claimant for any lost benefits she was otherwise entitled to receive from the date of application through the present.

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

Date Signed: May 11, 2010

Date Mailed: May 11, 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.

JV/hw

20104892/ JV

cc:

