

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.: 201052607
Issue No.: 1005; 3008
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 6, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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. After due notice, a telephone hearing was held on October 6, 2010. The Claimant appeared at the hearing and testified. [REDACTED], FIS appeared on behalf of the Department.

ISSUE

Was the Department correct in closing Claimant's FAP and FIP benefits for failing to return verifications?

FINDINGS OF FACT

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

- (1) Claimant was an ongoing recipient of FAP and FIP benefits.
- (2) Claimant submitted a letter dated July 15, 2010 from her employer, [REDACTED], that her employment stopped on July 3, 2010.
- (3) A verification checklist was sent to claimant on July 28, 2010 with an August 9, 2010 due date.
- (4) On July 28, 2010 Claimant's FAP and FIP case closed for failing to provide verifications.
- (5) Claimant requested hearing on August 9, 2010 contesting the closure of FAP and 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 (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 Dependant 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).

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.

In the present case, Claimant was given a verification checklist on July 28, 2010 with an August 9, 2010 due date. Claimant's case closed on July 28, 2010. Department policy clearly states that "The client should be allowed 10 calendar days to provide the verification." BAM 130. Therefore the closure of Claimant's case was premature, contrary to Department policy, improper and incorrect.

The Department raised issues at hearing with regard to Claimant failing to report changes in income in a timely manner and with regard to alleged noncompliance with JET. Those issues were not the basis for the closure in this case and were not raised in Claimant's request for hearing so they cannot be addressed as part of this decision.

DECISION AND ORDER

Therefore based on the forgoing findings of fact and conclusions of law it is ORDERED that the Department decision to close Claimant's FAP and FIP cases for failing to return verifications is REVERSED. FAP and FIP shall be reinstated as of the date of closure,

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any missed benefits shall be paid to Claimant in the form of a supplement.

/s/



Aaron McClintic
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: October 13, 2010

Date Mailed: October 13, 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.

AM/hw

cc:

