

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: 201052935
Issue No: 1005
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
10/28/2010
Kalamazoo 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 August 9, 2010. After due notice, a telephone hearing was held on Thursday, October 28, 2010.

ISSUE

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

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 Claimant applied for FIP benefits on July 7, 2010.
2. On July 10, 2010, the Department sent the Claimant an Appointment Notice for an interview to take place on July 22, 2010. This notice instructed the Claimant to bring her medical and identification documentation.
3. On July 30, 2010, the Department notified the Claimant that she was not eligible for FIP benefits because she failed to meet the interview requirements.
4. The Department received the Claimant's request for a hearing on August 9, 2010, protesting the denial of 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 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 (RTM), and the Bridges Reference Manual (BRM).

The Department must conduct an in-person interview before determining eligibility to receive FIP benefits. BAM 115. An adult member of the FIP group must sign the FIP application during this interview in the presence of the applicant's caseworker. BAM 115. If a FIP applicant does not show up for the initial interview, it becomes the responsibility of the applicant to reschedule the interview before 30 days have passed after submitting the FIP application. BAM 115.

In this case, the Claimant submitted an application for FIP benefits. The Department scheduled an interview for July 22, 2010, but the Claimant did not attend this interview. No evidence was presented during the hearing that the Claimant attempted to reschedule the interview.

The Claimant argued that she had good cause for failing to attend the initial eligibility determination interview. The Claimant testified that she was unable to bring necessary medical documentation to the Department's interview because her physician had repeatedly rescheduled their appointments. The Claimant testified that she felt that there was no reason to attend the interview without the necessary medical forms, which had to be completed by her treating physician.

The Department has established that the Claimant failed to cooperate in the eligibility determination process when she failed to attend or reschedule her interview on July 22, 2010.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's FIP eligibility.

The Department's FIP eligibility determination is AFFIRMED. It is SO ORDERED.

_____/s/

Kevin

Scully
Administrative Law Judge
for Duane Berger, Director
Department of Human Services

Date Signed: January 12, 2011

Date Mailed: January 12, 2011

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/alc

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