

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.: 201054227
Issue No.: 1005
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: December 6, 2010
Oakland 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 December 6, 2010. The Claimant appeared and testified. [REDACTED], FIM appeared on behalf of the Department.

ISSUE

Was the Department correct in denying Claimant's FIP application 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 applied for FIP benefits on July 13, 2010.
- (2) A verification checklist was sent to claimant on July 27, 2010 with an August 10, 2010 appointment date.
- (3) Claimant failed to provide the requested verifications prior to the deadline.
- (4) Claimant did not receive the verification checklist.
- (5) On August 27, 2010 Claimant's FIP application was denied for failing to return verifications.

- (6) Claimant requested hearing on September 6, 2010 contesting 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 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 credibly testified that she did not receive the appointment notice. Claimant credibly testified that previous tenants where she lives were taking her mail. Claimant credibly testified that she spoke with her mail carrier and the post office in an attempt to resolve the issue.

This Administrative Law Judge cannot find that Claimant refused to cooperate or failed to make a reasonable effort to cooperate with Department policy and procedures, therefore the denial of benefits was improper and incorrect. BAM 130.

DECISION AND ORDER

Therefore based on the forgoing findings of fact and conclusions of law it is ORDERED that the Department decision to deny Claimant's FIP application for failing to return verifications is REVERSED. Claimant's application for FIP shall be reinstated and

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reprocessed going back to the date of application.



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

Date Signed: December 10, 2010

Date Mailed: December 10, 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.

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