

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: 2010-6025
Issue No: 1005
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 15, 2010
Barry County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Keegstra

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on July 15, 2010. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly terminate the claimant's Family Independence Program (FIP) benefits for failure to return the required redetermination materials in August, 2009?

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's FIP case came due for a redetermination during the month of August, 2009. (Department Exhibit 1)
2. The claimant was mailed a Redetermination form (DHS-1010) on July 17, 2009, scheduling an in-person interview for August 6, 2009 and requiring the claimant to complete the form and return it by August 6, 2009. (Department Exhibit 1)

3. The claimant was a no call/no show for the appointment and did not return any of the redetermination materials.

4. On August 18, 2009, the claimant was mailed a Notice of Case Action (DHS-1605) indicating that his FIP benefits would be closed on September 1, 2009 for failure to return the redetermination materials. (Department Exhibit 2)

5. The claimant submitted a hearing request on September 1, 2009.

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Department policy states:

CLIENT OR AUTHORIZED REPRESENTATIVE RESPONSIBILITIES

Responsibility to Cooperate

All Programs

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. PAM, Item 105, p. 5.

Refusal to Cooperate Penalties

All Programs

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. PAM, Item 105, p. 5.

Verifications

All Programs

Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See PAM 130 and PEM 702. PAM, Item 105, p. 8.

Assisting the Client

All Programs

The local office must assist clients who ask for help in completing forms (including the DCH-0733-D) or gathering verifications. Particular sensitivity must be shown to clients who are illiterate, disabled or **not** fluent in English. PAM, Item 105, p. 9.

Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level. PAM, Item 130, p. 1.

Obtaining Verification

All Programs

Tell the client what verification is required, how to obtain it, and the due date (see “**Timeliness Standards**” in this item). Use the DHS-3503, Verification Checklist, or for MA redeterminations, the DHS-1175, MA Determination Notice, to request verification. PAM, Item 130, p. 2.

The client must obtain required verification, but you must assist if they need and request help. PAM, Item 130, p. 2.

Timeliness Standards

All Programs (except TMAP)

Allow the client 10 calendar days (**or** other time limit specified in policy) to provide the verification you request. If the client cannot provide the verification despite a reasonable effort, extend the time limit at least once. PAM, Item 130, p. 4.

Send a negative action notice when:

- . the client indicates refusal to provide a verification, **or**

- . the time period given has elapsed and the client has not made a reasonable effort to provide it. PAM, Item 130, p. 4.

MA Only

Send a negative action notice when:

- . the client indicates refusal to provide a verification, **or**
- . the time period given has elapsed. PAM, Item 130, p. 4.

The claimant testified that he did receive the redetermination materials for his annual review of FIP benefits. The claimant admits that he did not return the redetermination materials or complete the in-person interview.

The department worker testified that she received a telephone call from the claimant prior to his scheduled appointment date of August 6, 2009. The claimant indicated that he wasn't sure if he would be able to make the appointment because he had a doctor's appointment scheduled for the same day. The department worker testified that she told him she would leave the appointment at that day/time and that if he couldn't make it, he should call on that day and she would reschedule the appointment. The claimant testified that he did call the department about having a doctor's appointment scheduled on the same day, but that he understood that he was going to call back if he was going to be able to make the appointment.

However, the claimant's testimony conflicts with the written information he presented on his hearing request. On that document, the claimant wrote that his worker was supposed to call him back to reschedule the appointment. Further, it does not make sense for the department worker to tell the claimant to call if he was going to be able to make the appointment, as he testified. The appointment was clearly set up for August 6, 2009 at 2:00 pm. If the claimant was going to attend, there would be no need to call the department worker. The claimant also

admitted that he never called the department after August 6, 2009 to check on his required appointment or to reschedule it.

Further, the claimant made no attempt to turn in the required redetermination materials by the due date. The Redetermination form was due to the department by August 6, 2009. The claimant admitted that he never sent the department the completed form or the required proofs. The form clearly indicates on the very first page “[i]f you do NOT return this form and all of the required proofs by the due date, your benefits may be cancelled or reduced.” Thus, even if there was some confusion about the interview being rescheduled, the claimant should still have submitted the redetermination and proofs by the due date of August 6, 2009.

The claimant did not return the redetermination form by the due date. Nor did the claimant attend the personal interview. Department policy does require a personal interview for FIP redeterminations. BAM 210. The claimant is required to comply with the department in providing the verification materials necessary to allow the department to determine initial or ongoing eligibility. BAM 105. In this case, the claimant failed to return the Redetermination form and failed to attend the personal interview. Thus, the department properly took action to close his case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly terminated the claimant's FIP benefits because the claimant had not participated in a personal interview and did not return the required verifications for his redetermination.

Accordingly, the department's actions are UPHeld. SO ORDERED.

/s/

Suzanne L. Keegstra
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 24, 2010

Date Mailed: August 24, 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.

SLK 

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