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.: 2010-6856
Issue No.: 1002
Case No.: [redacted]
Load No.: [redacted]
Hearing Date:
March 22, 2010
Wayne County DHS (35)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37 and Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan, on March 22, 2010. Claimant appeared and testified. [redacted], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether DHS properly denied Family Independence Program (FIP) benefits to Claimant?

FINDINGS OF FACT

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

1. On [redacted], Claimant's son, [redacted], was involved in an automobile accident in which he suffered a traumatic brain injury. He was in a coma and

paralyzed for five weeks. After this, he required twenty-four hour care and still requires it.

2. On July 20, 2009, Claimant applied for FIP benefits.

3. The Family Independence Eligibility Specialist did not give Claimant a Form 54A for verification of her son's medical status.

4. On September 14, 2009, the DHS Bridges computer system automatically denied Claimant's FIP benefits based on Claimant's failure to provide verification of her son's medical status.

5. Claimant requested a hearing on October 23, 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 United States Code Sec. 601 *et seq.* DHS administers FIP pursuant to MCL 400.10 *et seq.*, and Michigan Administrative Code Rules 400.3101-3131. FIP replaced the Aid to Dependent Children program effective October 1, 1996. The DHS FIP policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

In this case, the DHS Hearing Summary states:

> Specialist did not give customer a 54A for son's doctor to complete and Bridges automatically denied customers (sic) FIP request.

BAM 115 states:

> Provided the group meets all eligibility requirements, begin assistance in the pay period in which the application becomes 30 days old. BAM 115, p. 17.

BAM 105 states:

> Rights and Responsibilities – 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 necessary forms. See Refusal to Cooperate Penalties in this section.
>
> Clients must completely and truthfully answer all questions on forms and in interviews.
>
> The client might be unable to answer a question about himself or another person whose circumstances must be known. Allow the client at least 10 days (or other timeframe specified in policy) to obtain the needed information. BAM 105, p. 5.

The Administrative Law Judge, based on BAM 105 and 115 and the findings of fact above, concludes that DHS error caused the denial of FIP benefits to Claimant. DHS did not request medical verification within the proper application time period, nor did they extend the time needed for Claimant to obtain the necessary information.

Claimant is entitled to an opportunity to submit verification of her son's medical status. If Claimant provides medical verification, she is entitled to FIP benefits consistent with her application date of July 20, 2009.

DECISION AND ORDER

DHS' denial of FIP benefits to Claimant is REVERSED. The Department is Ordered to initiate a redetermination of Claimant's eligibility for FIP benefits consistent with her application date of July 20, 2009, and in accordance with applicable law and policy.

Jan Leventer
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 7, 2010

Date Mailed: April 7, 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.

JL/pf

cc: [redacted]