

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████

Claimant

Reg. No: 2010-26247

Issue No: 1005

Case No: ██████████

Load No: ██████████

Hearing Date:

May 27, 2010

Wayne County DHS (76)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 hearing was held on May 27, 2010. Claimant appeared and testified.

ISSUE

Did the Department properly deny Claimant's Family Independence Program (FIP) application for failure to provide verifications?

FINDINGS OF FACT

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

1. On August 27, 2009, the Claimant applied for FIP benefits.
2. The Department issued a verification request. This verification request, however, had the wrong address on it and was never delivered to the Claimant.
3. The Department issued a denial notice. This notice was sent to the wrong address.

4. On December 29, 2009, the Claimant requested a hearing.

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 (formerly known as the Family Independence Agency) 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).

In the present case, the Claimant disputes the denial of her FIP application. The Claimant applied for benefits. The Department issued a verification request but sent the request to the Department's address. Therefore, the Claimant never received the request for additional verifications. There is no evidence in the record to indicate the Claimant had requested the office hold her mail. In fact, the Claimant testified she had given her address on her application and the records indicate this as being true.

The Department failed to comply with policy by sending the verification to the Claimant. Therefore, the Department cannot deny the Claimant's benefits for failure to provide verifications when the Department failed to request the verifications from the Claimant.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services was not acting in compliance with Department policy.

Accordingly, the Department's decision is REVERSED and the Department is ORDERED to reprocess Claimant's FIP application dated August 27, 2009 and to supplement the Claimant for all lost benefits.



Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 06/16/2010

Date Mailed: 06/16/2010

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 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.

JWO/cjp

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