

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.: 2010-3752

Issue No.: 1021

Case No.: ██████████

Load No.: ██████████

Hearing Date:

March 29, 2010

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

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 received by the Department on October 12, 2009. After due notice, a telephone hearing was conducted from Detroit, Michigan on March 29, 2010. The Claimant appeared and testified. Claimant was represented by ██████████. ██████████ appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant Family Independence Program ("FIP") benefits due to a failure to return verifications.

FINDINGS OF FACT

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

1. The Claimant submitted an application for FIP benefits on 8/14/09.

2. The Department testified that there was a delay in referring Claimant to Work First. Claimant reported to orientation on 10/14/09 (Exhibit A9) as directed and was then rescheduled for 10/26/09 due to Claimant having a doctor's appointment on 10/15/09.
3. The Department sent notice of a verification checklist on 10/10/09 requesting verification of US citizenship due by 10/20/09. (Exhibit A3).
4. Claimant testified that she brought in the requested information to the office, kept a copy and left a copy with a supervisor.
5. Claimant testified that on that date, she had requested to see her caseworker, but was unable to see the caseworker without a prior appointment.
6. Claimant testified that the front desk of the local office emailed the previous caseworker who then telephoned Claimant at home while Claimant was in the local office.
7. The Department denied Claimant's application for FIP benefits effective 10/29/09 for failure to return the verification. (Exhibit 1).
8. On October 12, 2009, the Department received the Claimant's Request for Hearing protesting the delay, and ultimately denial, of the FIP benefits.
9. The record was left open to allow the Claimant to submit a copy of the verifications turned in. The documents were submitted on March 30, 2010. (Exhibit A).

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 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”), and the Reference Tables (“RFT”).

A claimant should be allowed 10 calendar days to provide the verification requested. If the client cannot provide the verification despite a reasonable effort, the time limit can be extended up to three times. BAM 130, p. 4. Before determining eligibility, the Department is required to give the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source. BAM 130, p. 6. A negative action is a DHS action to deny an application or to reduce, suspend or terminate a benefit. Negative actions should be in writing. BAM 220, p. 1.

In the subject case, Claimant testified credibly that she delivered the requested information to the Department. Claimant was able to specifically recall the description and dress (if not the name) of the individual to whom she handed the documents. Claimant’s testimony is also supported by her depiction of what happened on the day that she appeared. Claimant testified credibly that the front desk notified the wrong caseworker and that Claimant and her previous caseworker crossed paths while Claimant’s current case worker was never notified that Claimant was in. Claimant also submitted a copy of the verifications submitted. Furthermore, the paperwork shows that Claimant was compliant in all other aspects of the program including FAST and appearing for Work First.

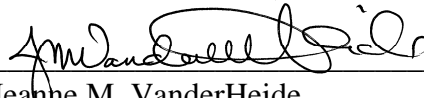
This Administrative Law Judge finds that Claimant submitted the requested verifications. Accordingly, it is found that the Department’s denial of FIP benefits effective 10/29/10 is REVERSED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that there was insufficient evidence presented to affirm the Department's actions.

Accordingly, it is held:

1. The Department's determination to deny Claimant's application for FIP benefits is REVERSED.
2. The negative action of 10/29/09 shall be deleted.
3. Claimant's 8/14/09 FIP application shall be reopened and processed and the Department shall supplement the Claimant for any lost benefits she was otherwise entitled to receive from the date of application through the present.



Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 1, 2010

Date Mailed: April 1, 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 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.

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