

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: 201049022
Issue No: 1005
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 22, 2010
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on June 28, 2010. After due notice, a telephone hearing was held on Wednesday, September 22, 2010.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Family Independence Program (FIP) eligibility?

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 applied for FIP benefits on April 20, 2010.
2. On April 20, 2010, the Department sent the Claimant a Verification Checklist with a due date of April 30, 2010.
3. On June 4, 2010, the Department notified the Claimant that it had denied her FIP application for failure to provide information necessary to determine eligibility.
4. The Department received the Claimant's request for a hearing on June 28, 2010, protesting the denial of her FIP application.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RTM), and the Bridges Reference Manual (BRM).

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of necessary forms. BAM 105, p. 5. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130, p. 1. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. BAM 130, p. 1. The Department uses documents, collateral contacts, or home calls to verify information. BAM 130, p. 1. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. BAM 130, p. 2. When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130.

Clients are allowed ten calendar days to provide the verifications requested by the Department. BAM 130, p. 4. The Department should send a negative action notice when the client indicates a refusal to provide the verification, or the time period provided has lapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 4. The Department should extend the time limit no more than once if the client cannot provide the verification despite a reasonable effort. BAM 130, p. 4.

One of the non-financial requirements of the FIP program is that at least one member of the FIP group must meet one of the conditions or set of conditions described below:

- The child is under age 18.
- The child is age 18 or 19, and a full-time high school student and expected to graduate by age 20. BEM 240.

The Claimant applied for FIP benefits on April 20, 2010. On April 20, 2010, the Department sent the Claimant a Verification Checklist with a due date of April 30, 2010. The Department requested that the Claimant verify the identity of her daughter, because a non-financial condition necessary for FIP eligibility is that a household member be a child as defined by BEM 240. On June 4, 2010, the Department could not verify that the Claimant qualified for FIP benefits because no member of the FIP applicant group was a verified child. The Department denied the Claimant's FIP application.

The Claimant argued that she would have provided the verification if she had known that all of the information necessary to determine eligibility had not been submitted along with her application for benefits.

The Department sent the Claimant a Verification Checklist to the Claimant's correct mailing address. No evidence was presented at the hearing that the Claimant returned the Verification Checklist or that she provided the Department with verification of her daughter's identity.

Based on the evidence and testimony available during the hearing, the Department has established that it properly denied the Claimant's FIP application for failure to verify information necessary to determine eligibility for benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's FIP eligibility.

The Department's FIP eligibility determination is AFFIRMED. It is SO ORDERED.

_____/s/

Kevin

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

Date Signed: October 11, 2010

Date Mailed: October 12, 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.

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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.

KS/alc

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