

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: 201052760

Issue No: 2006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 4, 2010

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 October 4, 2010.

ISSUE

Was the claimant's FIP application properly denied for 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 as material fact:

- (1) Claimant was a FIP applicant in Wayne County.
- (2) Claimant was given a DHS-3503, Verification Checklist, on July 10, 2010.
- (3) The verification checklist requested verification of claimant's pregnancy and loss of employment.
- (4) Claimant was unsure as to what would count as a verification of pregnancy.

- (5) Claimant did not return the required verifications.
- (6) On July 22, 2010, claimant's application was denied because claimant did not provide the requested verifications.
- (7) Claimant attempted to contact the Department before the negative case action in an attempt to get clarification on the DHS-3503 and to find out whether a certain verification of pregnancy would be allowed.
- (8) Claimant was unable to contact anybody at the Department to provide clarification; claimant's phone calls were not returned.
- (9) On August 6, 2010, 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 (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) and the Bridges Reference Manual (BRM).

An application or redetermination is considered incomplete until it contains enough information to determine eligibility. BAM 115. Eligibility is determined through a claimant's verbal and written statements; however, verification is required to establish the accuracy of a claimant's verbal and written statements. Verification must be obtained when required by policy, or when information regarding an eligibility factor is incomplete, inconsistent, or contradictory. An application that remains incomplete may

be denied. BAM 130. If the claimant cannot provide verification despite a reasonable effort, the time limit is to be extended at least one time. BAM 130.

The undersigned notes that the Department did send verification requests to the claimant as part of her application processing and that the claimant did not return the verifications. However, the undersigned is unconvinced that the claimant did not make a reasonable effort at providing verifications.

Claimant testified credibly at the hearing that she was unaware of what verifications she needed to provide. While the DHS-3503 gave several examples, claimant had questions with regards to whether certain documents she had in her possession would be enough.

Claimant testified that she attempted to contact the Department to find out exactly what was needed to complete the application. Unfortunately, claimant was unable to reach her caseworker and never received a reply to any messages she left. While the Department testified that the claimant never called the Department, given the Department's spotty history of answering phone calls and returning messages, the Administrative Law Judge is prepared to give the claimant the benefit of the doubt.

BAM 130 states that if the claimant cannot provide verification despite a reasonable effort, extend the time limit at least one time. Claimant attempted to gather information in order to find out what was needed, which is quite clearly a reasonable effort at providing verification. However, the Department, instead of extending the time limit and informing the claimant of her duties, denied the application. This is prohibited by BAM 130.

When a claimant has made a reasonable attempt at providing verifications—in this case, requesting more information—the Department may not simply state that the

verifications were not returned and deny the case. BAM 130 states that an extension is to be granted.

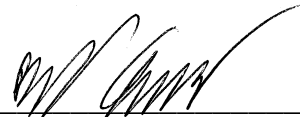
Claimant was unable to contact the Department—a reasonable effort at providing verifications—and therefore, should have had another chance to provide the verifications.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's decision to deny claimant's FIP application was incorrect.

Accordingly, the Department's decision in the above stated matter is, hereby, REVERSED.

The Department is ORDERED to reprocess claimant's FIP application retroactively to date of application, and re-request verifications in order to determine eligibility, in accordance with policy found in the Bridges Eligibility Manual.



Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 10/13/10

Date Mailed: 10/15/10

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.

RJC/dj

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