

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 201054656

Issue No: 6019; 1005

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

December 9, 2010

Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Kandra Robbins

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37, 7 CFR 273.16, MAC R 400.3130, and MAC R 400.3178 upon the Claimant's request for hearing. After due notice, a [telephone](#) conference hearing was held on [December 9, 2010](#). The claimant was present and testified. The Claimant stipulated that the MA issue has been resolved.

ISSUES

1. Did the Department properly determine claimant's Child Day Care (CDC) eligibility?
2. Did the Department properly close Claimant's Family Independence Program (FIP) assistance for failure to cooperate?

FINDINGS OF FACT:

This Administrative Law Judge, based upon the evidence on the whole record, finds as material fact:

1. The Claimant submitted an application for CDC assistance.
2. The Claimant was sent a DHS 3503 Verification Checklist requesting verification of the CDC Provider Assignment due by June 14, 2010.

3. The Department determined that claimant was not eligible for CDC assistance because the CDC Provider had multiple addresses on his verification documents and the Claimant did not sign the verification form.
4. On April 5, 2010, the Claimant failed to attend Triage.
5. On June 3, 2010, the Claimant was sent a letter to attend Triage on June 9, 2010 for her FIP case.
6. The Claimant failed to appear for the Triage.
7. On August 2, 2010, the Claimant was sent a Notice of Case Action indicating her FIP case was closed.
8. On September 2, 2010, the Claimant filed a Request for Hearing.

CONCLUSIONS OF LAW:

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901 - .951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1) An opportunity for a hearing shall be granted to an applicant who requests a hearing because of a denial. MAC R 400.903(2)

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

The Child Development and Care program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department of Human Services (DHS or department) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015.

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 Program Administrative Manual (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (BRM). Department Policy states:

BAM 105 DEPARTMENT POLICY

All Programs

Clients have rights and responsibilities as specified in this item.

The local office must do all of the following:

- Determine eligibility.
- Calculate the level of benefits.
- Protect client rights.

CLIENT RIGHTS

Right to Apply All Programs

On the same day a person comes to the local office, she/he has the right to file an application and get local office help to provide the minimum information for filing.

An application or filing form, whether faxed, mailed or received from the internet must be registered with the receipt date, if it contains at least the following information:

- Name of the applicant.
- Birth date of the applicant (not required for FAP).
- Address of the applicant (unless homeless).
- Signature of the applicant/authorized representative.

An application/filing form with the minimum information listed above must be registered in Bridges using the receipt date as the application date even if it does not contain enough information needed to determine eligibility. [BAM 110](#) explains the procedures.

If an application/filing form does not contain the minimum information listed above, send it back to the client along with a DHS-330, Notice of Missing Information, informing the client of the missing information.

FIP, SDA, RAPC and RAPM

Treat a faxed or emailed application or filing form as an incomplete application. DHS must receive an original signature before benefits are approved.

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.

DEPARTMENTAL PHILOSOPHY

The Family Independence Program (FIP) is to support a family's movement to self-sufficiency. Families receiving FIP are to engage in activities that will help them gain financial independence.

DEPARTMENT POLICY FIP, RAPC and SDA

The Family Independence Program (FIP), Refugee Assistance Program Cash (RAPC) and State Disability Assistance (SDA) are cash assistance programs designed to help individuals and families become self-sufficient. When an individual applies for cash assistance, Bridges determines group composition and builds an eligibility determination group (EDG) for these programs in the following order: FIP, RAPC and SDA. Cash assistance is available to eligibility determination groups who meet all of the non-financial and financial requirements that are needed to determine eligibility and calculate benefit amounts.

Under certain conditions, some FIP EDGs may qualify for and choose Short-Term Family Support (STFS) instead of FIP. See BEM 218, Short-Term Family Support.FIP GROUP COMPOSITION In order to evaluate FIP eligibility, a FIP EDG must exist, based on the rules in BEM 210, FIP Group Composition.

DEPARTMENT PHILOSOPHY FIP, RAPC

Clients must be made aware that public assistance is limited to 48 months to meet their family's needs and they must take personal responsibility to achieve self-sufficiency. This message, along with information on ways to achieve independence, direct support services, non-compliance penalties, and good cause reasons, is initially shared by DHS when the client applies for cash assistance. Jobs, Education and Training (JET) program requirements, education and training opportunities, and assessments will be covered by the JET case manager when a mandatory JET participant is referred at application.

In this case, Claimant filed an application for CDC assistance. She was sent a Verification Check list. The Claimant submitted the required documentation within the timeframe requested. Although the Claimant failed to sign the documentation, the worker states that no one informed the Claimant of this oversight. The Worker stated that it was the responsibility of the Claimant to read the instructions and comply. The worker states that the daycare provider had a different address on some of his verification documents from the application address. The Claimant stated that the daycare provider's change of address was not photocopied originally. She states that when they were informed of the issue, she provided the necessary documentation regarding the addresses. The Department does not dispute this claim. The Claimant is required to cooperate with the Department and provided the necessary documents to determine eligibility. This Administrative Law Judge finds that the Claimant cooperated with the Department in providing the necessary documents to determine CDC eligibility. The Claimant missed a signature. However, the Department failed to inform the Claimant of this oversight and neglected to give her an opportunity to correct the oversight. The Department is responsible for assisting clients.

The Claimant was given notice to attend Triage in order to comply with her FIP case. The Claimant did not attend the Triage on April 5, 2010. She was then given a second opportunity to attend Triage on June 9, 2010. The Claimant again failed to attend the Triage. Triage is a necessary component for compliance with her FIP Case. Because the Claimant did not cooperate with the Triage meetings, her FIP case was properly closed.

DECISION AND ORDER

This Administrative Law Judge, based upon the above findings and conclusion of law, decides that the Claimant made a reasonable effort to provide verification needed to determine her CDC eligibility. The Claimant did not cooperate with the FIP program requirements.

Accordingly, the Department's CDC action is reversed. The department shall:

1. Reprocess the claimant's CDC application in accordance with department policy.
2. Issue any retroactive CDC benefits the claimant is otherwise eligible to receive from the date of application.
3. The Department's FIP determinate is upheld.

It is so ORDERED.

/s/ _____
Kandra Robbins
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: December 22, 2010

Date Mailed: December 27, 2010

NOTICE: The law provides that within 30 days of receipt of the above Decision and Order, the respondent may appeal it to the circuit court for the county in which he/she lives.

KKR/tg

cc: 