

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant,

Reg No: 20108957
Issue No: 1021, 2018
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 27, 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 27, 2009. After due notice, a hearing was conducted in Detroit, Michigan on January 27, 2010. The Claimant and appeared and testified. Claimant was represented by [REDACTED]. Patricia Willis, JET worker appeared on behalf of the Department.

ISSUE

Whether the Department properly closed the Claimant's FIP and MA cases due to Claimant's failure to return wage 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 was a FIP and MA recipient.

2. In July of 2009, the Department received a wage match hit and issued a DHS-38 (wage verification form) for Claimant to take to her employer.
3. Claimant testified that she misplaced the form and attempted to call the Department to obtain another. Claimant was only able to get voicemail.
4. Claimant testified that she finally came in to the DHS office to pick up another wage verification form with a due date of 9/21/09. Claimant returned the wage verification on 9/22/09. (Exhibit 1, pp. 10-11).
5. Meanwhile, the Department also received a second wage verification from Claimant's employer dated received 9/16/09. (Exhibit 1, pp. 12-13).
6. The Claimant's benefits were closed effective 10/5/09.
7. On October 27, 2009, the Department received the Claimant's Request for Hearing protesting the closure of the FIP and MA benefits.

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").

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA

program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables (RFT).

Clients must cooperate with the local office in determining initial and ongoing eligibility to provide verification. BAM 130, p. 1. The questionable information might be from the client or a third party. Id. The Department can use documents, collateral contacts or home calls to verify information. Id. The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide should be extended at least once. BAM 130, p.4; BEM 702. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. BAM 130, p. 4. Before making an eligibility determination, however, the department must give the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source. BAM 130, p. 6.

In the present case, Claimant made an attempt to return wage verifications. Claimant testified that she called the Department repeatedly. Given Claimant's attempt to contact the Department, the Department should have extended Claimant's time to return the verification per BAM 130. Furthermore, the Department received a wage verification form from Claimant's employer within the specified time period. Claimant did not refuse to provide the information; she did the best that she could to obtain it in a timely manner. The Department notes that there is a discrepancy between the two wage verifications. However, the wage verifications are signed by two different individuals within Claimant's employer payroll department and that the

Department now has the actual wages earned by Claimant which can be used to determine benefits.

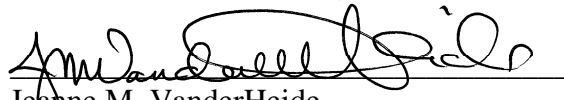
Accordingly, it is found that the Department's termination of the Claimant's FIP and MA benefits is REVERSED.

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 close Claimant's FIP and MA benefits is REVERSED.
2. The negative action of 10/5/09 shall be deleted.
3. Claimant's FIP and MA cases shall be reopened and reprocessed as of the date of closure, 10/5/09, and the Department shall supplement the Claimant for any lost benefits she was otherwise entitled to receive.


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

Date Signed: 03/09/10

Date Mailed: 03/11/10

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.

JV/dj

cc:

