

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]

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of [REDACTED]

[REDACTED] After due notice, a telephone hearing was held on [REDACTED]

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Food Assistance Program (FAP) and 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 was an ongoing Food Assistance Program (FAP) and Family Independence Program (FIP) recipient.
2. On [REDACTED], the Department sent the Claimant a Verification Checklist with a due date of [REDACTED]. The Department requested that the Claimant provide verification of her disability.
3. On [REDACTED] the Department sent the Claimant a Verification Checklist with a due date of [REDACTED].
4. On [REDACTED] [REDACTED] benefits as of [REDACTED], for failure to provide information necessary to determine her eligibility to receive benefits.
5. [REDACTED] protesting the termination of her FAP and FIP 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 (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 (RFT), 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. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130. 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. The Department uses documents, collateral contacts, or home calls to verify information. BAM 130. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. BAM 130. 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. 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. The Department should extend the time limit no more than once if the client cannot provide the verification despite a reasonable effort. BAM 130.

In this case, the Claimant was an ongoing Food Assistance Program (FAP) and Family Independence Program (FIP) recipient. The Department found the Claimant to be noncompliant with the [REDACTED] program, but granted her good cause when the Claimant claimed that her disability was a barrier to the completion of her [REDACTED] assignments.

On [REDACTED], the Department sent the Claimant a Verification Checklist with a due date of [REDACTED]. The Department requested that the Claimant provide verification of her disability. On [REDACTED] the Department sent the Claimant a Verification Checklist with a due date of [REDACTED]. On [REDACTED] the Department notified the Claimant that it would terminate her FAP and FIP benefits as of [REDACTED] for failure to provide information necessary to determine her eligibility to receive benefits.

The Claimant has the burden of going forward to establish her eligibility to receive benefits. In this case, the Claimant failed to establish that she provided the Department with the necessary forms to determine her eligibility to receive benefits.

Based on the evidence and testimony available during the hearing, the Department has established that it properly terminated the Claimant's FAP and FIP benefits for failure to provide information necessary to determine her eligibility to receive 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 FAP and FIP eligibility.

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

_____/s/_____
[Redacted Signature]

Date Signed: _____

Date Mailed: _____

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.

[Redacted]