

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 201112830
Issue No: 1005
Case No: [REDACTED]

Hearing Date:
May 5, 2011
Barry 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 December 20, 2010. After due notice, a telephone hearing was held on Thursday, May 5, 2011.

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 Family Independence Program (FIP) benefits on November 17, 2010.
2. On November 17, 2010, the Department sent the Claimant a Verification Checklist with a due date of November 29, 2010. The Department requested that the Claimant provide verification of bank accounts for herself and her daughter.

3. The Department received verification documents from the Claimant on December 6, 2010.
4. On December 7, 2010, the Department denied the Claimant's application for Family Independence Program (FIP) benefits for failure to provide information necessary to determine her eligibility to receive 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 applied for Family Independence Program (FIP) benefits on November 17, 2010. On November 17, 2010, the Department sent the Claimant a Verification Checklist with a due date of November 29, 2010. The Department requested that the Claimant provide verification of her bank accounts for herself and her daughter. When the Department did not receive verification of the Claimant's bank accounts, it denied her application for Family Independence Program (FIP) benefits for failure to provide information necessary to determine her eligibility to receive benefits.

The Claimant argued that she submitted verification of bank accounts for herself and her daughter, which the Department received on December 6, 2010.

On December 6, 2010, the Department received copies of bank account statements. One of the statements is not labeled with the name of its owner. The Claimant testified that this unlabeled bank statement is her daughter's savings account statement.

The Claimant has a duty to provide the Department with information necessary to determine her eligibility to receive benefits.

The Claimant must also carry the burden of establishing that she is eligible to receive benefits.

In this case, the Claimant submitted documents to the Department on December 6, 2010, which were intended to provide verification of group assets. These documents do not adequately verify the assets of the Claimant's daughter because her name does not appear on the document. These documents were also not received timely, because they were received after the due date.

The Department has established that it properly determined the Claimant's eligibility for the Family Independence Program (FIP).

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 Family Independence Program (FIP) eligibility.

The Department's Family Independence Program (FIP) eligibility determination is AFFIRMED. It is SO ORDERED.

/s/
Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: May 17, 2011

Date Mailed: May 18, 2011

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.

KS/tg

cc:

