

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

IN THE MATTER OF:
NADA ABBUD
31697 RYAN RD
WARREN, MI 48092

Reg No: 2011-20015
Issue No: 1005
Case No: 102427343
Hearing Date:
March 24, 2011
Macomb DHS (20)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 January 27, 2011. After due notice, a telephone hearing was conducted from Detroit, Michigan on March 24, 2011. The Claimant appeared and testified. Valeria Bell, FIM and Donna Stephens, Case Manager appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's Cash Assistance (FIP) application due to Claimant's failure to cooperate and provide the necessary verification of information.

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds as material facts:

1. The Claimant applied for Cash Assistance (FIP) on December 10, 2010.

2. On January 19, 2011, the Department denied the Claimant's FIP application for failure to verify information. Exhibit 1.
3. The Department did not have a verification checklist in the Claimant's file and could not ascertain or identify any information the Claimant failed to verify.
4. The Claimant requested a hearing on January 27, 2011, protesting the denial of the Claimant's FIP application. The Department received the Claimant's hearing request on January 31, 2011.

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 Program Reference Manual ("PRM").

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 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.

In this case, the Department presented no evidentiary basis supporting its denial of the Claimant's FIP application for failure to verify requested information. Accordingly, the Department did not sustain its burden of proof and must re open and reprocess the Claimant's FIP application and correctly determine whether the Claimant is eligible to receive FIP benefits.

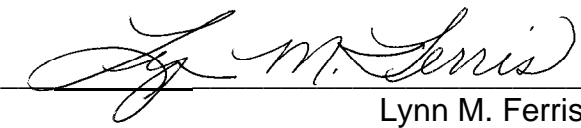
Based on the foregoing, it is found that the Department's denial of the Claimant's FIP application was not supported by the hearing testimony as it mistakenly believed the application was denied for failure to verify information, therefore, its determination must be reversed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that there was not sufficient evidence presented to affirm the Department's actions denying the Claimant's FIP application for failure to attend work first, and therefore, the denial of the Claimant's FIP Cash Assistance application by the Department is REVERSED.

Accordingly it is ORDERED:

The Department shall reopen and reprocess the Claimant's FIP application filed December 10, 2010, and determine the Claimant's eligibility in accordance with Department Policy.


Lynn M. Ferris
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 04/21/11

Date Mailed: 04/26/11

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.

LMF/dj

cc: N. Abbud
Macomb County DHS (Dist #20) / DHS-1843
M. Coxon
T. Drain
D. Shaw
L. Ferris
Administrative Hearings