

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

IN THE MATTER OF:

[REDACTED]

Reg No: 2011-23426
Issue No: 1003
Case No: [REDACTED]
Hearing Date:
May 2, 2011
Macomb County DHS (12)

ADMINISTRATIVE LAW JUDGE: [REDACTED]

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.. After due notice, a telephone hearing was conducted from Detroit, Michigan on May 2, 2011. The Claimant appeared and testified. [REDACTED], FIS 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 respond to the verification checklist requirement to contact the Office of Child Support to comply with Child Support requirements by the due date, November 30, 2011.

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 October 20, 2010.

2. The Department sent a Verification Checklist to the Claimant dated November 20, 2010, requesting the Claimant contact the Office of Child Support to resolve and comply with that office's requirements regarding child support. Exhibit 1
3. The Claimant received the Verification Checklist and did not respond by the due date of November 30, 2010.
4. The Department denied the claimant's application for FIP cash assistance on December 3, 2010 for failure to respond to the verification checklist.
5. The Claimant requested a hearing on December 14, 2010, protesting the denial of her FIP cash assistance application.

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 did not receive a response to the Verification Checklist from the Claimant and thus properly denied the Claimant's FIP application.

The claimant conceded that she did not respond by the due date and thus there is no dispute that she did not respond in time and her case was appropriately closed. The Claimant's failure to contact the Department to respond to the verification request indicates a failure to cooperate and thus this Administrative Law Judge find the Claimant did refuse to cooperate and also find that the Department appropriately denied the Claimant's application. In this instance, because the testimony of the Department and the Claimant was consistent, that the Claimant did not respond at all by the verification deadline, the Department was required to deny the application.

Based on the foregoing, it is found that the Department's denial of the Claimant's FIP application was supported by the hearing testimony as it did not receive a response to the verification checklist by the due date, and thus accordingly denied the Claimant's FIP application. The Department's action denying the Claimant's FIP application must be affirmed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that there was sufficient evidence presented at the hearing to affirm the Department's actions denying the Claimant's FIP application for failure to respond to the verification checklist by the November 30, 2010 due date and therefore the Department is AFFIRMED.



Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 05/18/11

Date Mailed: 05/20/11

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:

[REDACTED]

Macomb County DHS (Dist #12)

[REDACTED]

Administrative Hearings