

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

IN THE MATTER OF:
201126231

[REDACTED]

June
Wayne

Reg
Issue
Case
Hearing

No: 201127783

No: 1005

No: [REDACTED]

Date:
30, 2011
County DHS-57

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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. After due notice, an in person hearing was held on July 30, 2011. The Claimant appeared and testified along with her authorized representative [REDACTED] through [REDACTED] FIM appeared on behalf of the Department.

ISSUE

Was the Department correct in closing Claimant's FIP case for failing to return verifications?

FINDINGS OF FACT

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

- (1) Claimant was a recipient of FIP benefit.
- (2) A verification checklist was sent to claimant on January 19, 2011 with a January 31, 2011 due date requesting verification of her son's school attendance.
- (3) Claimant failed to provide the requested verifications prior to the deadline.

- (4) Claimant testified that she spoke with her worker in February 2011 regarding the requested verifications and was told her case would not close. Claimant's worker did not testify at hearing.
- (5) A verification of student information DHS-3380 was sent to Claimant on February 26, 2011 but it appears that no new checklist was issued.
- (6) Claimant did not receive the verification of student information.
- (7) On April 1, 2011 Claimant's FIP case closed for failing to return verifications.
- (8) Claimant requested hearing on March 15, 2011 and April 6, 2011 contesting the closure of FIP benefits and regarding an SER application.
- (9) Claimant stated at hearing that the SER issues are resolved.
- (10) Claimant reapplied for FIP benefits and her case is currently active.

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) and the Program Reference Manual (PRM).

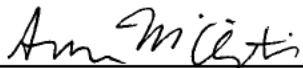
Clients must cooperate with the local office in determining initial and ongoing eligibility to provide verification. BAM 130, p. 1. The questionable information might be from the client or a third party. *Id.* The Department can use documents, collateral contacts or home calls to verify information. *Id.* The client should be allowed 10 calendar days to provide the verification. If the client 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.

In the present case, Claimant testified she did not receive the verification checklist in January 2011 or the verification of student information in February 2011. Claimant credibly testified that she spoke with her worker and explained that she did not receive the verification checklist and that is why a verification of

student information was sent in February. A new checklist should have been issued at that time. This Administrative Law Judge cannot find that Claimant refused to cooperate or failed to make a reasonable effort to cooperate. Therefore the closure of Claimant's case was improper and incorrect.

DECISION AND ORDER

Therefore based on the forgoing findings of fact and conclusions of law it is ORDERED that the Department decision to close Claimant's FIP case for failing to return verifications is REVERSED. Claimant's FIP case shall be reinstated back to the date of closure. Any missed benefits shall be paid in the form of a supplement.



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

Date Signed: July 8, 2011

Date Mailed: July 8, 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.

AM/ctl

cc: [Redacted]
Wayne County DHS (57)/1843
[Redacted]
A. McClintic
Administrative Hearings