

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-3650
Issue No.: 1005
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 29, 2010
Wayne County DHS (43)

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. After due notice, a telephone hearing was held on November 29, 2010. The claimant appeared and testified. [REDACTED], FIS appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's FIP application due to Claimant's failure to return information requested by the Verification Checklist by the due date?

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 FIP benefits and her application was denied because the requested verifications of loss of employment was not received by the due date of 8/26/10 set by the Verification Checklist sent out by the Department. Exhibit 1.
- 2) The claimant was sent a verification checklist on August 16, 2010 requesting verification of employment. Exhibit 2
- 3) Although the Claimant was living in a Shelter, the Claimant did receive a Verification checklist.
- 4) The claimant did not return the verification checklist by the due date.

- 5) The claimant had some difficulty seeking the employer's cooperation in filling out the verification; however, she did not contact her caseworker for assistance.
- 6) The department denied claimant's application on September 1, 2010 for the wrong reason stating that the claimant had failed to attend WorkFirst.
- 7) Even though the department denied the claimant's application for FIP Cash Assistance for the wrong reason, the claimant's application should have been denied as the verification of loss of employment was not returned by the due date.
- 8) The Claimant requested a hearing protesting the denial of her FIP Cash Assistance application. The Claimant's hearing request was received by the Department on October 18, 2010.

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 (formerly known as the Family Independence Agency) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R400.3101-3131. 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 Bridges Reference Manual (BRM).

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. Before making an eligibility determination, however, the department must give the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source. BAM 130, p. 6.

The Department is required to verify loss of employment and income at application and when a change is reported. If the client fails to verify these items the Department must close the Claimant's case for failure to verify the requested information. BEM 554, p. 11.

In this case, the Department mailed out a Verification Checklist seeking verification of loss of employment on August 16, 2010 to the Claimant at the address confirmed by the Claimant as her correct address. The claimant received a verification checklist. The Claimant also received the Department's Notice of Case Action denying her application which was also mailed to the same address. Under these circumstances the claimant clearly received a verification checklist and was unable to complete the verification of the loss of employment by the due date. Under these circumstances where the claimant did not return the verification of requested information by the due date, the department had no choice but to deny the application for FIP Cash Assistance.

The claimant has reapplied for FIP benefits and is encouraged to seek the assistance of her caseworker if her employer does not promptly complete the verification as requested by the department.

The undersigned finds that the Department properly denied claimant's application for FAP benefits and that the Claimant did not provide requested information in the time provided.

Accordingly, it is found that the Department's closure of the Claimant's application for FAP benefits was proper and is 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 to affirm the Department's actions.

Accordingly, it is ORDERED:

The Department's Determination by Notice of Case Action of September 9, 2010 closing the Claimant's FIP case is hereby AFFIRMED.



Lynn M. Ferris
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 12/1/2010

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Date Mailed: 12/1/2010

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.

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