

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 2011-18579
Issue No: 1005
Case No: [REDACTED]
Load No:
Hearing Date:
June 1, 2011
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, an in-person hearing was held in Grand Rapids on June 1, 2011. Claimant personally appeared and testified.

The department was represented by Abby Suttler (AP Supervisor) and Dennis Burdin (Case Manager).

ISSUE

Did the department correctly deny claimant's FIP application (May 28, 2010) because claimant failed to return her employment verification 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) Claimant is an FIP applicant with a household size of two. The department denied claimant's application due to claimant's failure to verify her eligibility factors by the due date.
- (2) On May 28, 2010, claimant submitted her FIP application to Kent DHS.

- (3) On June 2, 2010, the caseworker sent claimant a DHS-3503/VCL asking claimant to submit verification of her employment. The due date was June 14, 2010. Claimant was also assigned to attend the JET program.
- (4) Claimant gave her verification of employment form (DHS-38) to her employment to complete.
- (5) Claimant's employer completed the DHS-38, submitted it to claimant for signature, and delivered it to Kent County DHS.
- (6) The local office is currently unable to locate the DHS-38 in claimant's file. One reason for the difficulty may be that claimant's caseworker was on sick leave in June of 2010.
- (7) On June 1, 2010, the caseworker denied claimant's application because claimant failed to provide the required verification of employment/DHS-38 by the due date.
- (8) On July 1, 2010, DHS sent claimant a written denial for her FIP application (DHS-1605).
- (9) On July 8, 2010, claimant requested a hearing.

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The following policies apply to the issues raised by claimant.

VERIFICATIONS

All Programs

Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See BAM 130 and BEM 702.

* * *

The preponderance of the evidence in the record shows that claimant failed to verify her employment on a DHS-38 form on or before June 14, 2010, as requested by her caseworker.

Since claimant did not verify her employment status by the due date, her caseworker correctly denied claimant's FIP application on July 1, 2010.

The department has established by the competent, material and substantial evidence on the record that it acted in compliance with department policy when it decided that claimant was not eligible for FIP due to claimant's failure to provide the required verifications. Furthermore, claimant did not meet her burden of proof to show that the department's denial of her FIP application was reversible error.

Finally, a careful review of the record reveals no evidence of arbitrary or capricious action by the local office in processing claimant's FIP application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department corrected requested the verification of claimant's employment status for FIP eligibility purposes. Furthermore, claimant failed to comply with the department's eligibility verification requirements on June 14, 2010.

Therefore, the action taken by the department is, hereby, AFFIRMED.

SO ORDERED.

/s/ _____
Jay W. Sexton
Administrative Law Judge
For Maura D. Corrigan, Director
Department of Human Services

Date Signed: May 7, 2011

Date Mailed: May 7, 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 90 days of the filing of the original request.

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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.

JWS/tg

cc:

