

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

IN THE MATTER OF:

Issue

[REDACTED]

Reg. No.: 201127272
No.: 1005
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: May 2, 2011
DHS County: Macomb County DHS (20)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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, a telephone hearing was held on May 2, 2011. Claimant appeared and testified. The Department of Human Services (Department or DHS) was represented by [REDACTED]

ISSUE

Was the Department correct in closing Claimant's Family Independence Program (FIP) case for failing to cooperate with the Department?

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 an ongoing FIP recipient.
2. On January 13, 2011, the Department issued to Claimant a Redetermination notice of appointment for February 1, 2011.
3. Claimant did not attend the appointment on February 1, 2011.
4. Claimant was also in contact with JET workers during January and February of 2011.
5. Claimant attempted to contact Claimant's Department worker regarding her case.

6. The Department closed Claimant's FIP case, effective April 1, 2011, due to failure to verify necessary information.
7. Claimant requested a hearing, protesting the closure.

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 Program Reference Manual (PRM).

Clients must cooperate with the local DHS office in obtaining verification for determining initial and ongoing eligibility. BAM 130. 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 the information should be extended at least once. BAM 130. 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.

In the present case, Claimant testified credibly that although she did receive the notice of appointment for redetermination, Claimant did not attend the appointment because she had recently been in contact with JET workers, and misunderstood that since she had submitted all information to JET workers, that information would be forwarded to the Department. Claimant further testified that she attempted to contact her Department case worker by phone, but no return calls were made to Claimant. The Department did not dispute this testimony. Based on the above discussion, I find that Claimant did not fail to cooperate with the Department, and the Department was therefore not correct in closing Claimant's case due to failure to cooperate with the Department.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department's decision to close Claimant's FIP case for failing to cooperate was incorrect and, therefore, it is ORDERED that the Department's decision

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is REVERSED. It is further ORDERED that Claimant's FIP case shall be reinstated effective April 1, 2011, if Claimant otherwise qualifies, and all missed benefits shall be made in the form of supplemental payments.

/s/ _____
Susan C. Burke
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: May 11, 2011

Date Mailed: May 11, 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 of the rehearing decision.

SCB/ctl

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