

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

IN THE MATTER OF:

[REDACTED]  
[REDACTED]  
[REDACTED]

Reg. No: 201128251  
Issue No: 1005  
Case No: [REDACTED]

Hearing Date:  
May 17, 2011  
Clinton County DHS

**ADMINISTRATIVE LAW JUDGE:** Kevin Scully

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on October 15, 2010. After due notice, a telephone hearing was held on Tuesday, May 17, 2011.

**ISSUE**

Whether the Department of Human Services (Department) properly determined the Claimant's Family Independence Program (FIP) eligibility?

**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 Family Independence Program (FIP) benefits on July 20, 2010. The Claimant requested that the Department defer her from the Jobs, Education, and Training (JET) program due to her medical condition.
2. The Department sent the Claimant a Medical Determination Verification Checklist (DHS-3503) with a due date of October 1, 2010. This form summarized the medical records necessary for the Claimant to receive a deferment from the JET program.
3. The Department sent the Claimant Activities of Daily Living (DHS-049G), and a Medical Needs (DHS-54A) forms, which were also due on October 1, 2010.

4. The Claimant returned a Medical Needs form dated September 10, 2004.
5. On October 6, 2010, the Department notified the Claimant that it had denied her application for Family Independence Program (FIP) benefits.
6. The Department received the Claimant's request for a hearing on October 15, 2010, protesting the denial of her Family Independence Program (FIP) application. The request was received nine days after the Department sent its notice of case action.

### **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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of necessary forms. BAM 105. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. BAM 130. The Department uses documents, collateral contacts, or home calls to verify information. BAM 130. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. BAM 130. When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130.

Clients are allowed ten calendar days to provide the verifications requested by the Department. BAM 130. The Department should send a negative action notice when the client indicates a refusal to provide the verification, or the time period provided has lapsed and the client has not made a reasonable effort to provide it. BAM 130. The Department should extend the time limit no more than once if the client cannot provide the verification despite a reasonable effort. BAM 130.

The Claimant applied for Family Independence Program (FIP) benefits on July 20, 2010. The Claimant, who would normally be referred to the Jobs, Education, and Training (JET) program, requested that the Department defer her from the JET program due to her medical condition.

The Department sent the Claimant a Medical Determination Verification Checklist with a due date of October 1, 2010. This form summarized the medical records necessary for the Claimant to receive a deferment from the JET program.

The Department sent the Claimant an Activities of Daily Living form, and a Medical Needs form with due dates of October 1, 2010.

The Claimant returned a medical needs form dated September 10, 2004. The Department could not accept his document because it does not verify her current medical condition.

On October 6, 2010, the Department notified the Claimant that it had denied her application for Family Independence Program (FIP) benefits for failure to provide information necessary to determine her eligibility to receive benefits.

The Claimant argued that she could not afford to see a physician to have a new Medical Needs form completed, and that her medical condition remains the same as it was on September 10, 2004.

The Claimant had a duty to provide the Department with the information necessary to determine her eligibility to receive benefits by October 1, 2010. This Administrative Law Judge finds that the Claimant did not make a reasonable attempt to supply the Department with the information it requested. Based on the evidence and testimony available during the hearing, the Department has established that it properly denied the Claimant's application for the Family Independence Program (FIP).

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's Family Independence Program (FIP) eligibility.

The Department's Family Independence Program (FIP) eligibility determination is AFFIRMED. It is SO ORDERED.

/s/ \_\_\_\_\_  
Kevin Scully  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: March 23, 2011

Date Mailed: March 23, 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.

KS/tg

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