

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

IN THE MATTER OF:



Reg. No: 201128360  
Issue No: 1005  
Case No: [REDACTED]  
Hearing Date: June 9, 2011  
Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Kandra Robbins

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37, 7 CFR 273.16, MAC R 400.3130, and MAC R 400.3178 upon the claimant's request for hearing. After due notice, a telephone conference hearing was held on June 9, 2011.

**ISSUE**

Did the Department properly close claimant's Family Independence Program (FIP) assistance for failure to cooperate?

**FINDINGS OF FACT**

This Administrative Law Judge, based upon the evidence on the whole record, finds as material fact:

1. The Claimant submitted an application for FIP assistance on October 20, 2010. (Hearing Summary).
2. On November 19, 2010, the claimant was sent a DHS 3503 Verification Checklist requesting verification of unearned income, child support, due on November 29, 2010. (Department Exhibit 1, pg 1)
3. The Department did not receive any verification and the application was closed on December 15, 2010.
4. On December 15, 2010, the claimant was sent a Notice of Case Action indicating her FIP application was denied. (Department Exhibit 1, pgs. 2-3)

5. On December 17, 2010, the Department received claimant's Request for Hearing.
6. On February 9, 2011, the Department received verification of child support. (Department Exhibit 1, pg 4)

### **CONCLUSIONS OF LAW**

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901 - .951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1) An opportunity for a hearing shall be granted to an applicant who requests a hearing because of a denial. MAC R 400.903(2)

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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 (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (BRM). Department Policy states:

#### **BAM 105 DEPARTMENT POLICY**

##### **All Programs**

Clients have rights and responsibilities as specified in this item. The local office must do all of the following:

- Determine eligibility.
- Calculate the level of benefits.
- Protect client rights.

#### **CLIENT OR AUTHORIZED REPRESENTATIVE RESPONSIBILITIES**

##### **Responsibility to Cooperate**

### **All Programs**

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of necessary forms. See [Refusal to Cooperate Penalties](#) in this section. Clients must completely and truthfully answer all questions on forms and in interviews. The client might be unable to answer a question about himself or another person whose circumstances must be known. Allow the client at least 10 days (or other timeframe specified in policy) to obtain the needed information.

### **DEPARTMENTAL PHILOSOPHY**

The Family Independence Program (FIP) is to support a family's movement to self-sufficiency. Families receiving FIP are to engage in activities that will help them gain financial independence.

In order to determine eligibility for the FIP program, the Department must determine a household's income. Child support is considered unearned income. The Department requested that the claimant provide proof of unearned income, child support that she received. The claimant was required to provide the proof by November 29, 2010. The claimant failed to provide the information within the required time frame.

The Application was denied in December. The claimant provided the proof of the unearned income on February 9, 2011 as indicated by the date stamp on the letter. The letter indicated that it was written on December 1, 2010. However, it was clearly not turned into the Department until February 9, 2011 almost 2 months after the application was denied.

At the hearing, the claimant submitted a job lot letter that she purported to submit on December 14, 2010. However, this log has nothing to do with the verification of unearned income and it is not relevant. The claimant claims she turned in the letter regarding the child support at the same time. However, she has no evidence to support her claim.

After the time expired, the Department properly denied the claimant's application as they were unable to determine her eligibility in the program.

### **DECISION AND ORDER**

This Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department properly denied the claimant's FIP application because the claimant failed to submit the documents needed to verify her eligibility.

Accordingly, the Department's actions are UPHeld. SO ORDERED

/s/  
Kandra Robbins  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: June 15, 2011

Date Mailed: June 15, 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.

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.

KKR/ds

cc:

