

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

IN THE MATTER OF:



Reg. No.: 2011-28916
Issue No.: 1022
Case No.: [REDACTED]
Hearing Date: June 20, 2011
DHS County: Wayne (82-43)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 conducted from Detroit, Michigan, on Monday, June 20, 2011. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

ISSUE

Whether the Department acted in accordance with Department policy when it denied the Claimant's Family Independence Program ("FIP") cash assistance application?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Claimant submitted an application for FIP benefits on March 18, 2011.
2. The Claimant listed her grandson as a group member on the application.
3. The Probate Court previously issued an Order placing the grandson into foster care.
4. The grandson was an active group member on his foster care family's case.
5. The Department processed the Claimant's application without the grandson as a group member.

6. On April 7, 2011, the Department denied the Claimant's application because there were no eligible members.

CONCLUSIONS OF LAW

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, formerly known as the Family Independence Agency, administers FIP pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code Rules R400.3101-3131. FIP replaced the Aid to Dependent Children 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 ("RFT").

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the 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 obtained when required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. BAM 130. Verification is usually required at application/redetermination and for reported change affecting eligibility or benefit level. BAM 130. Verification is not required when the client is clearly ineligible or for excluded income and assets unless needed to establish the exclusion. BAM 130. Before determining eligibility, a client is given a reasonable opportunity to resolve any discrepancy between statements made and information from another source. BAM 130.

Benefit duplication means assistance received from the same (or same type of) program to cover a person's needs for the same month. BEM 222. Concurrent receipt of benefits is prohibited except for medical and food assistance benefits in limited circumstances. BEM 222.

In this case, the Department denied the Claimant's application relying solely on the Order Placing Child in to foster care. There was no evidence presented, although it may exist, that the Claimant's home was found unsuitable for the grandson. The Claimant testified that the grandson has resided with her for over a year. Additionally, the Claimant stated that school records would show her address as the grandson's address of record. That being stated, the Claimant has not presented any evidence to establish that she, as opposed to the placement family, has custodial and/or legal relationship for the grandson. If, and when, the Claimant is able to obtain such documentation, a new FIP application should be submitted. Based on testimony, it appears that the grandson is AWOL (absent without official leave) from his foster care home; however, the foster care home is still receiving benefits for the grandson. In light

2011-28916/CMM

of the foregoing and recognizing that benefit duplication is prohibited, the Department's determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds the Department's determination is upheld.

Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: June 27, 2011

Date Mailed: June 30, 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.

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cc:

