

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

IN THE MATTER OF:

Issue

[REDACTED]

Reg. No.:

201130504

No.:

1005

Load No.:

[REDACTED]

Hearing Date:

May 19, 2011

DHS County:

Wayne County DHS
(41)

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 19, 2011. Claimant appeared and testified. The Department of Human Services (Department or DHS) was represented by [REDACTED] FIM, [REDACTED] FIS.

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. Claimant had misplaced a Medical Needs form issued by the Department.
3. The Department then issued a Verification Checklist to Claimant on March 12, 2011, requesting a return of the Medical Needs form by March 22, 2011.
4. Claimant received the Verification Checklist on March 22, 2011.
5. Claimant faxed a letter to the Department on March 28, 2011, asking for more time as she was not ready to go see her doctor.

6. On March 31, 2011, the Department closed Claimant's FIP case, effective May 5, 2011 for 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 administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM), which includes the Reference Tables (RFT.)

Clients must cooperate with the local DHS office in obtaining verification for determining initial and ongoing eligibility. BAM 105, 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, the Department issued a verification checklist to Claimant with a Medical Needs form due on March 22, 2011. Although Claimant received the checklist on March 22, 2011, she requested an extension on March 28, 2011, not because she attempted to see her doctor to complete the form and was not able to get an appointment with the doctor, but because she was not ready to see her doctor. Claimant's letter submitted into evidence states in part, "I'm scared to see my doctor thinking he has bad news . . . I will go to see him need it to be on my time." I do not find that Claimant made a reasonable effort within a specified time period. It is noted that this was the second time the Department asked Claimant to return the completed Medical Needs form, but she previously misplaced the form. Based on the above discussion, I find that the Department was correct in its decision to close Claimant's FIP case for failing to cooperate.

DECISION AND ORDER

2011-4154/SCB

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 was correct, and it is therefore ORDERED that the Department's decision is AFFIRMED.

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

Date Signed: May 27, 2011

Date Mailed: May 27, 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.

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