

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201140036
Issue No: 1015
Case No: [REDACTED]
Hearing Date: August 23, 2011
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Christopher S. Saunders

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 held on August 23, 2011. The claimant personally appeared and provided testimony.

ISSUES

Whether the department properly determined the amount of the claimant's Family Independence Program (FIP) benefits?

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 and was receiving FIP program benefits.
2. Through the WF/JET program, the department was made aware that the claimant was working and ran a budget for the claimant's benefits for the month of June, 2011 which included her income as reported by her employer. (Department Exhibit 1, 5).
3. Based on the budget run by the department, the claimant was sent a notice of case action, (DHS 1605) on May 4, 2011 informing her that her benefits would be reduced from [REDACTED] to [REDACTED] effective June 1, 2011. (Department Exhibit 5).
4. The claimant filed a hearing request June 22, 2011 protesting the reduction of her benefits.

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 400.901-400.951. 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)

Clients have the right to contest a department decision affective eligibility for 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 of that decision. 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Department policy states that clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. Clients must take actions within their ability to obtain verifications. BAM 105.

DHS staff must assist when necessary. The local office must assist clients who ask for help in completing forms or gathering verifications. Particular sensitivity must be shown to clients who are illiterate, disabled or not fluent in English. BAM 105.

Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. The department must tell the client what verification is required, how to obtain it, and the due date. The Verification Checklist (DHS-3503) is mailed to the client to request verifications. The client must obtain the required verifications, but the department must assist if clients need and request help. BAM 130.

In the case at hand, the claimant's FIP benefits were reduced because the department became aware that the claimant was employed and in turn calculated her earnings into her budget. The claimant testified that she was working for a temporary service and that her employment was limited to a number of weeks. The claimant further testified that she stopped working as of the middle of May 2011, when her temporary assignment ended.

The claimant stated that her main point of contention was that she attempted several times to call her worker and discuss why her benefits were reduced and to explain the temporary nature of her employment. The claimant stated that she was unable to make contact with her case worker after these attempts. The evidence provided by the department shows no indication of any phone calls made or messages left by the claimant for the month of May. This Administrative Law Judge credits the testimony of the claimant as to her several attempts to reach her case worker, however, even if she had been able to reach her worker during the month of May, the outcome regarding her benefits would have remained the same.

The testimony provided by the claimant is supported by the evidence provided by the department that the claimant worked at her employment until the middle of May (see Department Exhibit 1). Therefore, the claimant's circumstances would not have changed until she was no longer employed, and the time period for the department's standard of promptness (15 work days BAM 220) would not have begun to run until that time. Additionally, because this change would have increased the claimant's benefit amount, the department would have been required to verify the claimant's lack of income. Furthermore, the claimant submitted a written request to have her FIP case closed as of June 2, 2011. The department did in fact close the claimant's case and her FIP benefits were canceled as of June 2, 2011. Therefore, this Administrative Law Judge finds that, based on the information available to the department and the claimant's reported last day of work, the department acted properly according to its policy.

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 FIP benefit amount.

The department's actions are **AFFIRMED**. It is SO ORDERED.

/s/

Christopher S. Saunders
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: September 12, 2011

Date Mailed: September 13, 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

