

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

IN THE MATTER OF:

Reg. No: 2012-358
Issue No: 1038
Case No: [REDACTED]
Hearing Date:
October 27, 2011
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

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 received on August 31, 2011. After due notice, a telephone hearing was held on October 27, 2011. Claimant, Claimant's wife and an interpreter personally appeared and provided testimony.

ISSUE

Whether the department properly denied Claimant's Family Independence Program (FIP) application?

FINDINGS OF FACT

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

1. On June 21, 2011, Claimant applied for FIP benefits. Claimant and his wife were provided with Work and or Self-Sufficiency Rules for Cash Recipients which they each signed. They were also scheduled to attend [REDACTED] [REDACTED] on June 28, 2011. Claimant was also provided a Verification of Employment with a due date of July 1, 2011. (Department Exhibits 2-15, 17-18, 22-25).
2. On June 23, 2011, [REDACTED] informed the department that Claimant had enrolled in their program, but his wife had not attended and they expected her to attend on June 28, 2011. (Department Exhibit 26).
3. On July 14, 2011, the department was notified by [REDACTED] that Claimant's wife failed to show for her June 28, 2011 appointment. (Department Exhibit 27).

4. On July 14, 2011, the department mailed Claimant a Notice of Case Action informing Claimant that his FIP application was denied effective June 1, 2011, because he failed to verify or allow the department to verify necessary information and a group member's job refusal, job quit or reduced hours of employment without good cause within 30 days of application. (Department Exhibits 28-29).
5. Claimant submitted a hearing request on August 31, 2011, protesting the denial of his FIP application. (Request for a Hearing).

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. Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. 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 Mich Admin Code, Rules 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).

Department policy states that clients must cooperate with the local office in determining initial and ongoing eligibility. Clients must take actions within their ability to obtain verifications. The department must assist when necessary. The local office must assist clients who ask for help in completing forms (including the DCH-0733-D) 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. The department uses the Verification Checklist (DHS-3503), to tell the client what verification is required, how to obtain it and the due date. The client must obtain required verification, but the department must assist if they need and request help. BAM 130.

A client is allowed 10 calendar days (or other time limit specified in policy) to provide the verification requested by the department. If the client cannot provide the verification despite a reasonable effort, the time limit is extended at least once. The department sends a negative action notice when the client indicates refusal to provide a verification, or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130.

In this case, Claimant testified that he gave his employer the Verification of Employment and if his employer did not complete it and submit it to the department that was not his responsibility, but the responsibility of the department to follow up with his employer. However, departmental policy is clear that it is the client who must obtain the required verification. Therefore, the department properly denied Claimant's FIP application for failure to timely return the requested employment verification.

In addition, Claimant's wife was also required to attend Work First ([REDACTED]) in order for the group to receive FIP benefits. Claimant's wife signed the Work and/or Self-Sufficiency Rules for Cash Recipients on June 21, 2011, indicating that she understood the program requirements. Specifically, failing to cooperate with JET program requirements would result in the closure of her cash assistance. Claimant testified that he explained the form to his wife prior to her signing it, but that he did not believe she needed to attend because she could not speak English and she should learn English before attending. Good reasons for not cooperating include but are not limited to: lack of safe, affordable child care or transportation, unsafe or illegal work conditions, illness or injury. Claimant also testified that his wife was pregnant at the time, and because it was a difficult pregnancy she was unable to attend. However, Claimant did not provide documentation showing Claimant's wife was restricted by her doctor from attending. As a result, Claimant failed to show good cause why his wife did not attend Work First and the department properly denied Claimant's FIP application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly denied Claimant's FIP application.

Accordingly, the department's determination is UPHELD.

It is SO ORDERED.

/s/

Vicki L. Armstrong
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 10/28/11

Date Mailed: 10/28/11

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 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.

VLA/ds

■ [REDACTED]