

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

IN THE MATTER OF:



Reg. No: 201243249
Issue No: 1005
Case No: [REDACTED]
Hearing Date: July 24, 2012
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 July 24, 2012. The claimant personally appeared and provided testimony.

ISSUE

Whether the department properly denied the claimant's application for Family Independence Program (FIP) benefits for failure to submit the requested verifications?

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 FIP benefits on February 1, 2012. (Department Hearing Summary).
2. On February 3, 2012, the department sent the claimant a verification checklist (DHS 3503) requesting verifications with a due date of February 13, 2012. (Department Exhibit 1).
3. On March 15, 2012, the department sent the claimant a notice of case action stating that her application had been denied because the department had not received the requested verifications. (Department Hearing Summary).
4. It was later discovered that the claimant had in fact returned the requested verifications with a date received stamp showing that they were turned in on February 14, 2012; past the February 13, 2012 deadline.

5. The claimant filed a hearing request March 26, 2012 protesting the denial of her application.

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 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In relation to a claimant's responsibilities in obtaining the verifications needed for the department to make a determination, policy states as follows:

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 the necessary forms. BAM 105.

Refusal to Cooperate Penalties

All Programs

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. BAM 105.

Verifications

All Programs

Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See BAM 130 and BEM 702. BAM 105.

Assisting the Client

All Programs

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/redetermination **and** for a reported change affecting eligibility or benefit level. BAM 130.

Obtaining Verification

All Programs

Tell the client what verification is required, how to obtain it, and the due date (see “**Timeliness Standards**” in this item). Use the DHS-3503, Verification Checklist, or for MA redeterminations, the DHS-1175, MA Determination Notice, to request verification. BAM 130.

The client must obtain required verification, but you must assist if they need and request help.

If neither the client nor you can obtain verification despite a reasonable effort, use the best available information. If **no** evidence is available, use your best judgment. BAM 130.

Timeliness Standards

FIP, SDA, CDC, FAP

Allow the client 10 calendar days (**or** other time limit specified in policy) to provide the verification you request. BAM 130.

Exception: For CDC only, if the client cannot provide the verification despite a reasonable effort, extend the time limit at least once.

Verifications are considered to be timely if received by the date they are due. For electronically transmitted verifications (fax, email), the date of the transmission is the receipt date. Verifications that are submitted after the close of business hours through the drop box or by delivery of a DHS representative are considered to be received the next business day.

Send 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 the case at hand, the department originally denied the claimant's application as it was believed that the claimant had not returned the verifications at all. It was later discovered that the claimant had turned in the verifications, but the department asserts that the denial is still proper as the verifications were turned in after the due date. The claimant testified that she was having difficulty retrieving the verifications by the due date and that she called her worker to inform her that she was going to be late in turning in the verifications and requested an extension. The claimant further testified that she did not receive a return call from her department worker. This Administrative Law Judge finds the claimant's testimony credible and further finds that the claimant did in fact make a reasonable effort to obtain the requested verifications. The claimant did in fact obtain the verifications but submitted them one day after the deadline after calling her worker to request additional time. Policy states that a negative action is to be sent when the time period has elapsed and the claimant has not made a reasonable effort to provide the requested verification. The Administrative Law Judge finds that the claimant did make a reasonable effort to provide the verifications and therefore the department should not have denied the application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department improperly denied the claimant's application for FIP benefits based on a failure to cooperate.

Accordingly, the department's actions are **REVERSED**.

It is HEREBY ORDERED that the department shall reprocess the claimant's February 1, 2012 FIP application. If the claimant is determined to be otherwise eligible, the department shall instate benefits in accordance with policy and if applicable, issue any past due benefits due and owing that the claimant is otherwise eligible to receive.

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

Date Signed: August 3, 2012

Date Mailed: August 3, 2012

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.

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