

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

IN THE MATTER OF:



Reg. No.: 2012-1340
Issue No.: 1001
Case No.: [REDACTED]
Hearing Date: November 17, 2011
County: Jackson

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 following the Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on Thursday, November 17, 2011. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

ISSUE

Did the Department properly deny the Claimant's application for cash assistance?

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 applied for cash assistance benefits on August 4, 2011.
2. On this date, the Department sent a Verification Checklist to the Claimant seeking school attendance verification with a due date of August 15th. (Exhibit 1, pp. 1, 2)
3. The school attendance verification was not received by the due date.
4. On September 7, 2011, the Department denied the Claimant's application based on the failure to submit the school attendance verifications. (Exhibit 1, pp. 3 – 6)

5. On September 12, 2011, the Department received the Claimant's written request for hearing. (Exhibit 1, p. 7)

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Tables ("RFT").

The Family Independence Program ("FIP") was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department, formerly known as the Family Independence Agency, administers FIP pursuant to MCL 400.10, *et seq.*, and the Michigan Administrative Code Rules 400.3101 through 400.3131. FIP replaced the Aid to Dependent Children ("ADC") program effective October 1, 1996.

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. The client must obtain the verification; however, the Department must assist if requested. BAM 130.

In this case, the Claimant had recently moved to Michigan from [REDACTED]. Upon receipt of the request for school attendance records, the Claimant contacted the school her child attended in [REDACTED] however, because it was summer recess, the Claimant had difficulty securing the information. The Claimant attempted to contact her case worker by telephone and in person (to let her know the problem she was having) without success. There was no evidence that the Claimant had refused to provide the verification or had not made reasonable attempts to provide it. Under these facts, the Department's actions are not upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department failed to establish it acted in accordance with Department policy when it denied the Claimant's FIP application.

Accordingly, the Department's denial of FIP benefits is REVERSED.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. The Department shall re-register and initiate processing of the August 4, 2011 FIP application and notify the Claimant of the determination in accordance with Department policy.
2. The Department shall supplement for lost benefits (if any) that the Claimant was entitled to receive if otherwise eligible and qualified.

Colleen M. Mamelka

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

Date Signed: November 28, 2011

Date Mailed: November 28, 2011

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases)

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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CMM/cl

cc:

