

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

IN THE MATTER OF:



Reg. No.: 201232769
Issue No.: 1005, 3008
Case No.: [REDACTED]
Hearing Date: March 15, 2012
County: Wayne DHS (15)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on March 15, 2012 from Detroit, Michigan. Participants on behalf of Claimant included the above named claimant and [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly denied Claimant's application for Family Independence Program (FIP) benefits and terminated eligibility for Food Assistance Program (FAP) benefits due to an alleged Claimant failure to comply with verification requirements.

FINDINGS OF FACT

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

1. Claimant applied for was receiving: FIP FAP MA SDA CDC.
2. Claimant applied for was receiving: FIP FAP MA SDA CDC.
3. Claimant was was not provided with a Verification Checklist (DHS-3503).
4. Claimant was required to submit requested verification by 2/2/12.
5. On 2/3/12, the Department

- denied Claimant's application for FIP benefits
 - closed Claimant's FAP benefit case
 - reduced Claimant's benefits
- for failure to submit verification in a timely manner.

6. On 2/3/12, the Department sent notice of the
- denial of Claimant's application.
 - closure of Claimant's case.
 - reduction of Claimant's benefits.
7. On 2/8/12, Claimant filed a hearing request, protesting the
- denial. closure. reduction.

CONCLUSIONS OF LAW

Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (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 1999 AC, Rule 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1999 AC, Rule 400.3001 through Rule 400.3015.

Claimant requested a hearing to dispute a FIP benefit application denial and a FAP benefit termination. DHS based both actions on an alleged failure by Claimant to verify income information for Claimant's fiancé and residency information for Claimant.

The testifying DHS specialist testified that Claimant was mailed a Verification Checklist (VCL) (Exhibit 1) on 1/23/12. The specialist stated that after the 2/2/12 due date passed and the requested documents were not received, DHS properly initiated termination of FAP benefits and properly denied Claimant's FIP benefit application. Claimant raised several arguments in response to the DHS claim.

First, Claimant testified that she did not receive the VCL. It was not disputed that DHS mailed several documents concerning participation with a Work Participation Program on 1/23/12. It was not disputed that DHS chose to mail those documents via central print. Central print is understood to be an automatic and computerized method of

mailing documents. If a document is scheduled for central print, it is scheduled to be automatically mailed by the computerized DHS database. Claimant's specialist inexplicably chose to mail the VCL via local print. Local print is understood to be a method of mailing whereby a DHS specialist has to print a document and mail the document by hand. Generally, a document sent by the DHS database is more reliable than a manual mailing. Manual mailing allows for the possibility of human error. It is exceptionally plausible that a DHS specialist with monstrous work expectations would forget to mail a document that he or she planned on mailing.

Another factor in determining whether Claimant credibly testified that she failed to receive the VCL is to consider Claimant's actions after the Notice of Case Action was mailed. Generally, clients that respond quickly to notices of benefit closure or denial tend to be persons that would not negligently ignore a VCL. In the present case, Claimant requested a hearing on the fifth day after a Notice of Case Action (Exhibit 1) was mailed. Five days is a very quick turnaround time and one not representative of a client that received a VCL and simply ignored it.

The final consideration in this case is that the testimony established that DHS should have already received the two verifications that were allegedly the basis of the adverse actions. DHS stated that Claimant's failure to verify her address and the income of her fiancé justified a FIP application denial and FAP benefit termination. Claimant's fiancé testified that he submitted the income information 30 days earlier as part of a FAP redetermination. The testifying DHS specialist could not dispute the testimony and only noted that her case file encompassed documents submitted since the FIP application submission date of 1/18/12. Similarly, Claimant testified that she previously verified her address via submission of a driver's license. Again, the specialist only knew that she did not have the verification though she could not dispute Claimant's testimony. Further, because the address must be verified for FAP benefits, it would be reasonable to presume that DHS verified the address at some point in the past. DHS has authority to adversely affect benefits for a failure to verify information; this authority does not necessarily apply for a failure to resubmit previously verified information.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department

properly improperly

- denied Claimant's application for FIP benefits
- closed Claimant's FAP benefit case
- reduced Claimant's benefits

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

did act properly. did not act properly.

Accordingly, the Department's decision is AFFIRMED REVERSED for the reasons stated on the record.

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

1. reinstate Claimant's FIP benefit application dated 1/18/12;
2. reinstate Claimant's FAP benefit eligibility effective 3/2012;
3. determine Claimant's FIP and FAP benefit eligibility based on either already received information or yet to be requested information subject to the finding that Claimant already submitted and verified residency and income information; and
4. supplement Claimant for any FIP and FAP benefits not received due to the improper case closure and application denial.


Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 21, 2012

Date Mailed: March 21, 2012

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.

201232769/CG

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

CG/hw

cc:

